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TRB®

FROM WASHINGTON

EMPTY ROBE

The regular TRB is off this week. This column was written by Mickey Kaus.

"It is hard, even when looking back, to take the measure of a period in the Court's history," wrote Benno Schmidt in the *New York Times* on the occasion of Chief Justice Warren Burger's retirement. But what the hell, let's do it anyway. The press has been uncharacteristically reticent in its postmortems. Burger was, the *Washington Post* said tactfully, "a modest presence in the law" who "gave over much time and effort to administrative problems." The *Times* described him only as "the white-haired central casting ideal of a Chief Justice" who had "nudged the Court away from its decidedly liberal bent." Now, said *Newsweek*, he was "moving on to another challenge," planning the bicentennial celebration of the Constitution.

More than scholarly modesty or politeness underlies the informal conspiracy of kindness regarding Burger's departure. There's also the sense that giving the chief justice a dignified send-off is a small price to pay for removing him from the bench. Not since the Redskins' tiresome quarterback Joe Theismann fractured his leg has Washington breathed such a guiltily collective sigh of relief.

Virtually everybody is happy to see Burger go. Liberals have disliked him ever since he was appointed by Richard Nixon to preside over a retreat from Warrenesque activism. Conservatives don't like him because he botched the job. His resignation, said one young right-winger-about-town, was "the best decision he's made in 17 years." But you hardly have to be a conservative to consider Burger one of the worst Court appointments of the past half century.

Burger's main defect as chief justice is that he's stupid. He's a living fulfillment of Senator Roman Hruska's famous remark that mediocre people should be represented on the Court. For years Burger has been spared public recognition of his incompetence, in part because nobody could do anything about it, in part because the gap between his stately appearance and his abilities was so large as to defy belief.

When Woodward and Armstrong's *The Brethren* portrayed Burger as a pompous fool, it was dismissed in non-inside circles as a hatchet job. But it only reflected the near-unanimous verdict of the various justices' law clerks, the only available sources who will talk. After Burger resigned, one current clerk eagerly retailed an account of Justice O'Connor's reaction: "Well, the dummy's gone." The story may be apocryphal. Nobody seems to think it implausible.

The Nixon tapes case, as recounted by Woodward and Armstrong, remains the paradigmatic view of the Burger Court in action: A big decision looms. Burger assigns the opinion to himself. It's a difficult job, writing a convincing argument that can be signed by all the justices, but Burger is sure he's up to it. When his draft is circulated the other justices are united mainly in their horror at how bad it is. In the Nixon case, Burger's draft gratuitously creates "core functions" of the various branches of government to be accorded special constitutional privileges—a vague, half-baked notion that would throw the law of the land into confusion for decades. Luckily, the other justices conspire against Burger, substituting their language for his, bit by bit. Burger is insulted, but ultimately relents after convincing himself that the opinion in which virtually every one of his sentences has been rewritten is still his own. The Republic is saved.

Perhaps, after a few years of Chief Justice Rehnquist, we will look back on Burger's buffoonery with nostalgia, much as the characters on "Mary Tyler Moore" grow misty-eyed over the lovably moronic Ted Baxter. But Burger's incompetence has done real damage. The historic task of the Burger Court was to find a principled stopping point for the activism of the Warren era. It failed. In some difficult areas, such as affirmative action, it left a series of flip-flops and a trail of concurring opinions. In others it balked at pruning back Warren Court precedents and resorted to back-door gimmicks—preserving the *Miranda* rule, but allowing confessions obtained in violation of *Miranda* to be used anyway to "impeach" a defendant at trial.

Mostly, as University of Colorado law professor Robert Nagel argues, the Burger Court has abandoned principles altogether, substituting minute, ad hoc judgments about particular factual situations. When is patronage firing of government employees legal? When the Court, in a case-by-case inquiry, decides it is "appropriate." What procedures does the "due process" clause require before a citizen can be "deprived of life, liberty, or property"? Whatever procedures "the situation demands."

This mincing approach has two pernicious results. The first is confusion. Not even scholars can unscramble the mess the Court has made of the Fourth Amendment. If police have reason to believe dope is in a particular container in a car, they need a search warrant. If they just believe it's *somewhere* in the car, they can search at will.

The second consequence, Nagel argues, is a more pervasive legalism. The Warren Court, by announcing broad doctrinal rules, at least ruled some judicial interventions *out*. But when everything turns on the facts of each case, the facts of each case must be weighed by judges. Now that the meaning of due process is infinitely flexible, for example, virtually every government action—from an execution to a regulation about when the phone company can cut off someone's service—may be subject to a lawsuit to decide what procedures "the situation demands." We get the worst of both worlds. Courts meddle more but they protect us less.

Burger only had one vote, of course. But it's hard to believe that a judge who had the respect of his colleagues couldn't have led the Court in a more coherent direction. Instead Burger spent his time at public ceremonies and wine-tastings, supervising the deployment of plastic plants in the Court building, pushing his silly idea for a presidential "State of the Courts" address, complaining how overworked he was while his colleagues avoided him in the hallways. That he was ultimately conned into resigning in order to preside over another bloated, empty mega-celebration only cements his place in history as a national embarrassment. Quick, somebody throw him a retirement party before he changes his mind.

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CORRESPONDENCE

THE DEFENSE NEVER RESTS

To the editors:

I appreciate Roger Rosenblatt's commendation of my "clear and well-ordered account of a first-rate defense" in the von Bülow case ("Lifestyles of the Rich and Danish," June 16). But I gather from his "review" of me (masquerading as a review of my book jacket—which I didn't even write—and selected footnotes) that he doesn't think I'm very likable. I have apparently convinced him of Claus von Bülow's innocence, but my own "innocence" is too much for him. I apologize for lacking Rosenblatt's sophistication and elitism and for explaining references to *Rashomon* and Chekhov, so that other "innocents" can enjoy the book. I also apologize for having lived in a 12-room house (which, as I recall, Harvard rented to me for $600 a month) and still being struck—though not impressed—by the awesome splendor of the von Bülow apartment. I cannot even pretend to apologize for—sin of sins—occasionally "using Yiddishisms" and not trying to hide my "origins." Finally I apologize for being proud of my real-world accomplishments. Rosenblatt's snide essay tells us far more about his own cynicism and jealousies—as well as his preference for style over substance—than it does about the book he was using as an excuse for a personal diatribe against me.

ALAN M. DERSHOWITZ
Cambridge, Massachusetts

THE AGONY OF GOOD TIMES

To the editors:

Philip Weiss contributes to Brown University more of value than any ten classes on their 25th reunions. They give money. He gives truth ("Good Times vs. Great Books," June 9).

Let me provide background for what has happened. Brown spent most of its history in humble obscurity, a regional college in southeastern New England. Its presidents from 1764 to 1937 were Baptist ministers, many of them treating the university as a hobby while serving also in the pulpit of the First Baptist Church of America. After World War II the University made a great leap forward. It had one great asset: it played football against Harvard and Yale. Being "Ivy League" by virtue of its football team, its great leadership determined to compete in the Ivy League in learning as well. This it did by determining to work better than most in a few specific subjects, building what were called "towers of excellence." Brown would compete with Harvard and Yale and Stanford by placing before its undergraduates professors who, teaching graduate students and undergraduates as well, both wrote books and articles and also loved to teach.

That was the theory, and it worked more often than not. When, in 1968-70, we adopted the curriculum we now have—no required courses, but a well-structured and demanding field of concentration—we carried forward that idealistic spirit that the administration, faculty, and students of the period all shared. As a conservative in politics and education, I strongly supported the changes, hoping that I had not also voted in favor of repealing human nature. Our students loved us, and we loved them. The public caught on about ten years later—too late, it turned out.

The depression in higher education intervened in the mid-1970s. The Brown Corporation, facing the financial crisis of the age, lost the nerve of those who had taken the risk of turning a liberal arts college into a research university. It chose as president not an educator but a fund-raiser, a success at a small liberal arts college, who selected as provost not an educator but an administrator and manager of numbers, a success at a research lab. The administration did brilliantly the tasks it was chosen to do. It raised more money than Brown then had in its endowment.

But things unravelled in the early 1980s. The administration began to believe its own press notices. We started to attract smart but lazy students, contemptuous of serious learning, with no appreciation for the values of the faculty, and happy not to have required courses, coming to Brown for an easy Ivy League degree. And, sustained and rigorous scholarship, yielding publication, ceased to enjoy attention. Mr. Weiss has in a few thousand words told the rest of the story better than anyone ever has.

JACOB NEUSNER
University Professor
Brown University
Providence, Rhode Island

To the editors:

During my tenure at Brown I took Semiotics 66—"Clapping for Credit," and Music 126—"Rock'n'Roll Is Here to Stay." Philip Weiss lambasted both, and I can hardly blame him. However, it should be kept in mind that Mr. Weiss, by his own account, spent a great deal of his time partying it up with the undergrads, and that he probably racked up a significant tab on his expense account while in Providence. Therefore, his pooh-poohing of Brown's academic stature must be, at the very least, discounted for excessive alcohol consumption, and the possibility that he fell victim to the Sodom and Gomorrah-like temptations one is confronted with at good ol' Good Times U.

CHIP KEATING
Washington, D.C.

THE NEW MOSLEM LIBERALISM

To the editors:

I must thank Professor Fouad Ajami for his scholarly yet cynical article on the doctrines of Ali Shariati ("The Impossible Life of Moslem Liberalism," June 2).

Although there are similarities between the Russian liberalism of the mid-19th century and the Iranian revolutionary intelligentsia, there are differences as well. The Russian intellectuals and their Iranian counterparts were both confronted with the problem of Westernization. However, in the latter part of the 20th century, Westernization has come to be a specific feature of capitalist development in dependent states. Modernization from above in Iran produced a pseudo-modernization, and the negation of native, Islamic identity. The Iranian society was suffering from overwhelming cultural alienation. Shariati articulated this very clearly and provided the antidote by revolutionizing Islam as an ideology. For the intelligentsia he laid the task of Islamic Protestantism (to use his own words) and declared that committed art and literature can not be ends in themselves.

Professor Ajami contends that the Iranian revolutionary intelligentsia that Dr. Shariati represented "put off an honest encounter with the darkness of religion." On the contrary, Shariati exposed the ritualistic dogma of a formalist religion and called it the fossilized past. In his analysis, religion as a social phenomenon has a contradictory nature. It can have a liberating and progressive role, or be an

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THE NEW REPUBLIC
JULY 14 & 21, 1986

KNOCK ON WOOD

"We can expect Qaddafi to go all out in seeking revenge. We have not seen the end of this." . . . "The use of such force is much more likely to promote and expand terrorism." . . . "What we've really done is weaken the moderate, pro-American factions within the Libyan elite." . . . "No one . . . discerns light at the end of the tunnel or believes that this latest escalation of violence is more than another loop in an endless cycle of war in which Colonel Qaddafi is only one, minor, if temporarily prominent, figure." These sentiments are what a high-ranking FBI official, an editorial writer for the *Nation*, a professor of government and Middle East specialist at Harvard, and the leader of the British Labour Party had in common as the smoke cleared from Tripoli. What they have in common now is a little embarrassment.

It seems that the immediate fears of even the Reagan administration were premature. Its most realistic expectation—a short-term wave of retaliatory terrorist activity—simply has not happened. The opposite has: since the raid, State Department sources report a major decline in the number of terrorist incidents against Americans. In the three and a half months before the raid, terrorists were responsible for wounding 66 Americans and killing six. In the three and a half months since, there have been two wounded and two murders. Of the two deaths, one was an immediate reprisal in Beirut and one an unconnected death in kidnap custody in Colombia. It can't be proven that the raid deterred terrorism that would have otherwise occurred. But it can no longer be said that retaliation inevitably escalates the level of violence. If the raid was supposed to deter, these figures could hardly be better.

Still, most opposition to the raid was not based simply on a fear of reprisal. Critics pointed to the splits in the Atlantic alliance that unilateral intervention would allegedly precipitate, to the counterproductive impact the attack would have within Libya, and to the impossibility of striking effectively at a vast network of terrorism, mostly perpetrated from Damascus and Moscow. On all three counts, the case has gotten weaker as the days have gone by.

In Europe, anti-American rhetoric has been superseded by a flurry of antiterrorist activity. The French, for example, condemned the raid but somehow managed at the Tokyo summit to approve a tough antiterrorist communiqué of a kind they had rejected at all previous top-level meetings. Italian prime minister Craxi's protestations were followed by a move to transfer Italy's oil dependence from Libya to Nigeria and the North Sea, just as the Reagan administration had been urging him to do. These shifts were complemented by three breakthroughs: the conviction of the Brighton bombers in Britain, the Achille Lauro trial in Italy, and the slow easing of the French hostage crisis in Lebanon. Even the long-delayed Anglo-American extradition treaty finally passed the Senate. If all this activity represents a "crisis in the alliance," we could do with more of them.

The real surprise of the last few weeks, though, has been Libya itself. The predicted upsurge of national unity behind Qaddafi has failed to materialize. Instead, his disappearance and subsequent blustering and incoherent televised addresses point to an acceleration in his decline. He was both personally shaken and politically destabilized by the affair. Qaddafi has retreated into seclusion before and managed to survive, but his recent addresses have been greeted with what must be ominous public indifference.

The impact on Hafez al-Assad of Syria is much more difficult to gauge. It is undoubtedly too much to expect that his denunciations of international terrorism on his

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recent trip to Greece (after bear-hugging Papandreou at the Athens airport) were any less cynical than usual, but they may just reflect new calculations of American resolve. In any case, for the moment at least, Assad has more pressing priorities than terrorism. The collapse of his own economy under the pressure of falling oil prices and serious domestic disorder (including bomb attacks) make adventurism less seductive. And Soviet support is not as reliable as it once was. The Soviet SA5 missiles, which Assad has to rely upon for Syrian defense, performed poorly in Tripoli, and the Soviets took care to distance themselves from Libya after the raid.

The West may yet be subject to retaliatory moves. But in the aftermath of Tripoli, one central conclusion remains. Direct military intervention against terrorism can have an immediate and a sustained effect: it can both instantly deter and, over a period of time, tilt the balance in diplomacy and security against the momentum of terrorism. The traditional argument distinguishing between "European" and "American" approaches to terrorism creates a false dichotomy. The lesson of Tripoli is that military strikes and constitutional and legal strategies, far from being mutually exclusive, are indispensable complements.

This combination of strategies reminds beleaguered societies that there is nothing uniquely invincible about terrorist power. Terrorists make calculations about the costs of their activities, and these calculations can be changed by force. It also demonstrates that regaining the initiative by a sure military strike may help rather than hinder the more mundane, if essential, pressures we are used to applying. And for those still uncertain about the ethics of force, the uneasy calm of the last few months should carry at least some moral weight.

NOTEBOOK

□ FOLLOW-UPS: Despite our editorial of May 19, "Please Go Away," urging people not to cancel their vacations in Europe, the madness continues. The *Washington Post* reports that the wife of a Tennessee state representative has registered to run for his seat, in case he is killed on a visit to Europe between now and the election. If he survives the trip, she'll withdraw. (The representative, Tim Garrett, is a funeral director.) Meanwhile, 25 people have died in the collision of a helicopter and a twin-engine plane in the Grand Canyon. No American has yet died this summer in a terrorist incident in Europe. Mickey Kaus's prediction ("Age of Celebritics," February 24) that "Hands Across America" would be more about hoopla for its own sake than about helping the homeless has been borne out by the little-publicized bottom line. According to the *Los Angeles Times*, "Hands" has taken in $28 million and spent $17 million on administrative costs, leaving $11 million for the homeless: a ratio that could put the operators of a normal charity in jail. Even if the organizers ultimately clear $20 million, as they now hope, that is less than the cost of housing America's homeless for a single night. Finally, the TRB column of June 30 ("Reagan's Pornographer"), noting the contrast between the Reagan administration's attack on purveyors of pornography and its embrace of purveyors of violence, failed to point out that Sylvester Stallone's wife, Brigit Nielsen, who has accompanied him to White House functions and posed with the president, has also posed in the altogether for *Playboy*. For that matter Reagan's son, Ron, is a *Playboy* contributing editor. See page 21 for more on the porn wars.

□ THE JUSTICE DEPARTMENT, making a vicious little distinction, has held that federal rules forbidding discrimination against the handicapped don't apply to AIDS victims, provided that employers are motivated by concern about the spread of the disease rather than by prejudice. The department is unmoved by the fact that there is absolutely no evidence that AIDS can be spread by casual contact in the workplace. "Consider an employer who has the bizarre belief that persons with curly hair make better employees than persons with straight hair," opines Assistant Attorney General Charles Cooper. "[The law] does not prohibit the employer from making hiring decisions based on this wholly unreasonable basis." Maybe so. But if straight-haired people were being widely persecuted for no rational reason—at a time when they were also dying of a fatal disease, no less—a responsible government might be expected to do more than merely point out that this persecution is not illegal. But, far from attempting to calm needless fears, the Reagan administration seems to take pleasure in encouraging AIDS paranoia. President Reagan himself, on June 23, urged citizens to store their own blood to avoid catching AIDS from a blood transfusion. This is absurd. Out of 18 million pints of blood used in transfusions since March 1985, when AIDS testing began, only one person has been exposed to the AIDS virus.

□ TAX REFORM WATCH: The Senate passed its version of tax reform June 25 and the bill now goes to conference with the House, which passed its own version last December. Both bills are excellent, but the Senate's is better. Of the several perils that lie ahead in the coming process of compromise under the intense gaze of the lobbying community, the greatest, it seems to us, is a scenario somewhat like this: a few expensive deductions get restored, such as those for IRA contributions and state sales tax; to pay for these, the top tax rate creeps upward from the Senate's 27 percent to 30 percent or higher; then, to avoid losing the support of the business community, the lower tax rate for capital gains is restored. This would be disastrous. Eliminating the capital gains differential is one of the greatest triumphs of the Senate bill. (Currently capital gains are three-fifths deductible.) Not only is this special break unfair—almost half the income of people making over $200,000 a year is capital gains—it also is one of the key ways in which the tax code distorts investment decisions.

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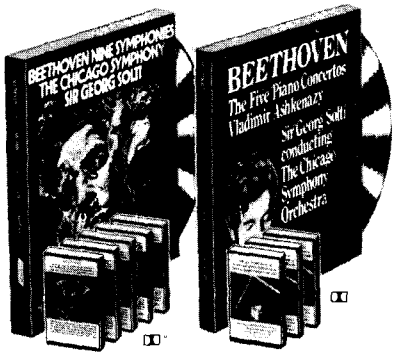

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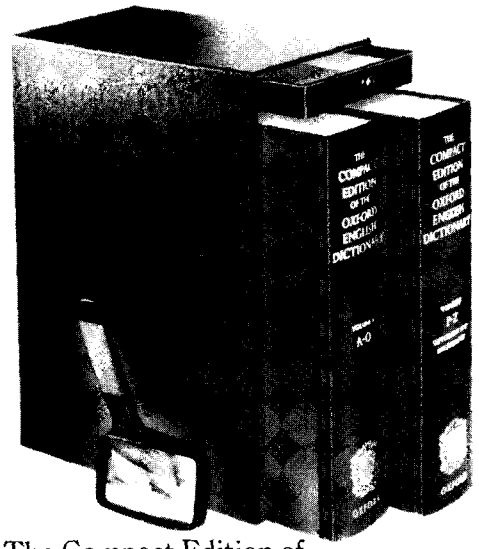

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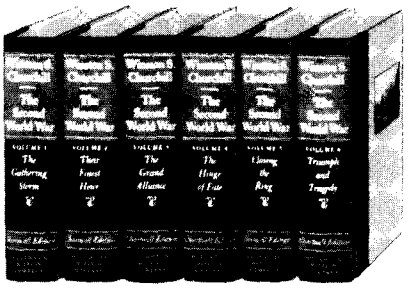

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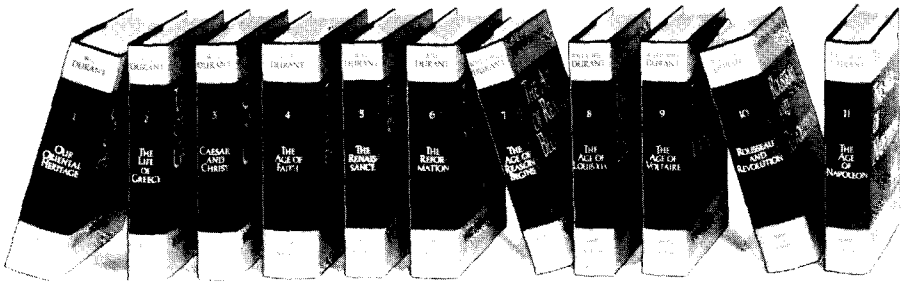

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Preserving the capital gains differential would mean salvation for all the accountants and tax-shelter operators who now face unemployment when tax reform passes. Giving up this reform in order to save a few deductions would be a very bad bargain indeed.

□ A SUMMER BOUQUET OF CORRECTIONS AND AMPLIFICATIONS: "What Now?" by Dorothy Wickenden (TNR, May 5) incorrectly cited the National Council of Jewish Women as opposing the Equal Rights Amendment in 1923. The NCJW was an early supporter of the ERA. "Losing Battle" by David Evans (TNR, June 30) contains a typographical error. The quotation by Jim Marsh at Headquarters Marine Corps should have read: "The whole thing was premised on the belief the services were over-*resourced* in training and manpower." Our lead editorial of June 30, "Here Come the Duds," incorrectly stated that Jefferson B. Sessions III had been nominated for the U.S. Court of Appeals; in fact, Sessions's nomination (which a Senate committee rejected) was for a U.S. District Court.

□ WAIT, THERE'S MORE: From that same issue, Allan Nairn and Jean-Marie Simon, authors of "Bureaucracy of Death," about government killing in Guatemala, object to the emphasis in some last-minute editing changes. The article as published stated that the government of Jacobo Arbenz, which was overthrown in a C.I.A.-sponsored coup in 1954, "was supported by the communists." The authors note that the Arbenz government was democratically elected with the support of many moderate groups, and its stated goal was to "transform Guatemala into a modern capitalist society." The article also asserted, "State Department officials claim that private diplomacy can work" to stop official killing. The authors feel compelled to point out that they see no sign of such private diplomacy being attempted. Finally, our lead editorial of June 16, "Protectionism By Any Other Name," confused a trade bill sponsored by the Democratic Leadership Council with a trade bill sponsored by Representative Richard Gephardt, founding chairman of the Democratic Leadership Council. The DLC (whose own bill is published on stationery listing Gephardt at the top of the masthead) wishes to dissociate itself from Gephardt's bill. The DLC bill, though not as overtly protectionist as Gephardt's, would nevertheless require massive new trade restrictions. We therefore stand by our description of its title—the "Trade Expansion Act"—as Orwellian.

□ WHAT ARE FRIENDS FOR? "I have this dream that one day I'll call my best friend on the phone and I'll say, 'Mr. President, I'd sure like to get a defense plant employing about 10,000 people up here.' And Jack will say, 'You got it, Ed.' "—Erie County executive Ed Rutkowski on why Jack Kemp should be president, quoted by Paul Taylor in the *Washington Post*, June 21.

□ PLEASE NOTE: This is a combined issue of THE NEW REPUBLIC. We won't publish next week, but we'll be back with the July 28 issue.

WHITE HOUSE WATCH

CHUMS

PRESIDENT REAGAN hasn't come up with a chummy name for Soviet leader Mikhail Gorbachev, but he'd like to. Before the Geneva summit meeting last November, Reagan aides checked into how familiar the president should be with Gorbachev. The answer was: not very. First names might be fine for Margaret Thatcher, Helmut Kohl, and Yasuhiro Nakasone, but not for Gorbachev—even in conversations around the White House. Some White House officials, particularly at the National Security Council, have taken to calling him "Gorbo." Reagan sticks to "Gorbachev."

All the dither over a name might seem silly, except it reflects something larger. No, Reagan hasn't gone soft on communism. Every few weeks, he cleverly reminds visitors of this when the subject of the Soviet Union comes up. "You know," he says, pausing for dramatic emphasis, "it really *is* an evil empire." (He's used this line in private talks at least three times recently.) But ever since Reagan met Gorbachev, he has had a new attitude about the man. There's a rapport of a special kind. It's a syndrome common among corporate CEOs, including bitter competitors. "No one else understands their problems because no one's been there," says a senior White House official when asked about Reagan's new attitude toward Gorbachev. Empathy, even sympathy, sets in—on Reagan's side, at any rate.

Over lunch on June 16 with a dozen top aides, Reagan talked about Gorbachev's "sincerity," a trait that conservatives don't often attribute to a Soviet boss. Reagan takes at face value Gorbachev's claim to desire sweeping cuts in Soviet and American nuclear arsenals. He reminds aides that Gorbachev is the first Soviet leader to propose actual reductions, not merely another SALT-type ceiling on continued buildup of nuclear weaponry. "The president's willing to concede his sincerity until he disproves it," says an aide who attended the lunch. Three days later, during a commencement speech at Glassboro High School in New Jersey, Reagan all but proclaimed Gorbachev's sincerity. At the summit, he said, "we both spoke of the ultimate goal of eliminating all nuclear weapons." And with Gorbachev's latest arms control proposal, "it appears that the Soviets have begun to make a serious effort."

The most surprising bit of Reagan revisionism is the idea that a reactionary old guard confronts Gorbachev in the Kremlin, preventing him from assuming absolute control of the Soviet Union. This is heresy to many conservatives, who believe that internecine squabbles in the Kremlin are meaningless, since the chief aim of all Soviet leaders is the subjugation of the United States. "We'd grown up on the idea that it was a one-man show over there," says a senior Reagan adviser. Yet Reagan now believes that Gorbachev is restrained by "hard-liners" in the Politburo and central committee who are even more hostile to this country than

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Gorbachev is. To Reagan's aides the analogy is clear. Reagan is bedeviled by a rebellious Congress and cumbersome bureaucracy, Gorbachev by reactionaries in the upper reaches of the government and Communist Party. "The president sees that Gorbachev isn't a free man," says a White House official who confers with Reagan daily. "The Soviet Union isn't monolithic. There are factions over there. Gorbachev moved fast, but he hasn't moved out all the old-timers."

According to Reagan's new view, it was unrealistic to have expected Gorbachev to be ready for a summit in the United States this June. After all, Gorbachev found Reagan to be a more formidable rival than anticipated when they met in Geneva, and then he didn't complete his first Communist Party congress until February. "There's been this realization there was a lot on Gorbachev's platter," says a Reagan aide. The president, once resentful at Gorbachev's dillydallying in setting the date for the next summit, now is reconciled to making soothing public statements as a prelude to agreement on a meeting in the fall. That's what he did in the Glassboro speech. "The notion in the air is maybe they'll meet around Thanksgiving," says a White House aide.

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Reagan's conciliatory attitude isn't entirely the result of the first summit. He's also spent hours in conversation with Suzanne Massie, an expert on Russian culture and architecture who says an undercurrent of Christianity runs through the Soviet Union. Reagan has invited Nancy Reagan to join in these sessions. More important, Reagan's plans apparently require a tractable Gorbachev. "The president is a real visionary," an aide contends. "Depending on what vision you want to believe, you need your adversary to be all evil or all good. If you want one who's all evil, Yuri Andropov was your boy. But if you want to put history on a new track and ease mistrust—the president talks a lot about the problem of mistrust—Gorbachev fills the bill there. With Reagan, the responsibility of great leaders for world peace has always been a latent theme. Gorbachev is a much better person to talk to about that. He knows how to talk that game better." Still, Reagan came out of Geneva convinced that Gorbachev, though willing to negotiate seriously, is a dedicated communist and always will be. Empathy for a fellow superpower leader only goes so far.

That leads to a problem that has bothered the president for months. What should Gorbachev be shown when he comes to the United States? Reagan has commented to aides several times that the helicopter trip from the White House to Camp David might be instructive to Gorbachev. The chopper goes over affluent Washington suburbs in Montgomery County, Maryland. "Look at all those houses with cars in the driveways and swimming pools in the backyards," Reagan has suggested he might say to Gorbachev. "And those are the homes of workers!"

That's a nice pitch, but Reagan's not sure Gorbachev would believe it. The president recently read a book called *MiG Pilot* by John Barron. It's about Viktor Belenko, a Soviet pilot who defected in 1976 by flying his MiG-25 jet interceptor to Japan. The part of Belenko's tale that Reagan has cited to aides involves the Russian's first visit to an American supermarket. Belenko is astonished by the array of food and the absence of crowds. He decides it's a put-on. "If this were a real store, a woman in less than an hour could buy enough food in just this one place to feed a whole family for two weeks," Belenko concludes. "But where are the people, the crowds, the lines? Ah, that proves it. This is not a real store. The people can't afford it. If they could, everybody would be here. It's a showplace of the Dark Forces."

Gorbachev may think that whatever he's shown is a Potemkin Village. Reagan hasn't yet solved this problem. He can't drag Gorbachev off to dozens of supermarkets just to be sure the fellow gets a true impression of the country. He may take Gorbachev to his ranch near Santa Barbara, California, but it's hardly a working-class haunt. Gorbachev is bound to be ushered around Washington, not the most typical American city. In the end, a White

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House official says, the president may have to settle for a visit to a town square somewhere.

It won't be a town square on a Hollywood set, though. Reagan has a very unfavorable memory of Nikita Khrushchev's 1957 tour of a movie studio in Hollywood. Reagan was head of the Screen Actors Guild at the time. The Eisenhower administration insisted that the movie industry show Khrushchev a good time. Reagan, whose anticommunism had blossomed in fights with Hollywood's own communist faction, boycotted the official Hollywood luncheon for the Soviet leader. But the situation was different then. Reagan was an actor in the twilight of his movie career, and Khrushchev was a world leader he'd never met. There was no common ground. Now there is. Reagan and Gorbachev are the only two superpower leaders we've got, and they've met. They may not make much headway on arms control and so on. But Reagan declared at the Glassboro commencement that superpower chats, like the one between Lyndon Johnson and Soviet premier Alexei Kosygin at Glassboro in 1967, are worthwhile. He didn't always think this about summits. But that was before he learned that for Gorbachev, too, it's lonely at the top.

FRED BARNES

ON THE HILL

BORDERLINE HYPOCRISY

NO SESSION OF Congress would be complete without the defeat of immigration reform. Senator Alan K. Simpson of Wyoming has dedicated much of his career in Washington to the passage of a bill that would revise the nation's immigration laws and curb the flow of illegal aliens crossing the border from Mexico. The Senate has passed Simpson's bill three times since 1982. The House approved a similar version once, but the legislation died in conference. The current sponsor in the House, Representative Peter Rodino, the chairman of the Judiciary Committee, recently promised to move the bill to the floor by May, then reneged. Mark-up has been postponed yet again. As always, the prospects for the Simpson-Rodino bill (né Simpson-Mazzoli) don't look good.

Several factors help to explain the failure of the legislation: the Reagan administration's reluctance to support the bill wholeheartedly; the power and influence of Western agribusiness lobbies eager to maintain a supply of cheap, illegal laborers; and the lack of a substantial, vocal, and organized interest group outside of a handful in Congress (and a handful of major newspapers) truly bent on reform. But chief among its opponents, curiously enough, are Hispanic leaders whose constituents have much to gain from the bill.

The legislation contains three basic elements: sanctions against employers who hire illegal aliens, a generous amnesty provision for aliens already in the United States for a number of years, and a "guest worker" program allowing Mexican workers to harvest perishable crops. Sanctions would end the double standard whereby hiring an alien is legal, but working as one isn't. The long overdue amnesty would eliminate a subculture of illegal aliens that can easily be exploited by unscrupulous employers.

Hispanic leaders in Congress generally accept the amnesty clause but object to employer sanctions. They insist that these would lead to widespread discrimination by employers against job applicants who look Hispanic. This is possible, perhaps, but unlikely. Under the Simpson bill a U.S. passport, a Social Security card with driver's license, or a birth certificate would suffice for verification. It's a process no more oppressive than the age check done by bouncers at bars every night. And an amendment to the House bill by Representative Barney Frank mandates strict penalties for employers who discriminate against Hispanics in hiring and creates a special counsel to investigate all complaints. As a reason for opposing a bill that would help Hispanics in so many ways, the concern about promoting discrimination seems so farfetched that it raises the question whether this is Hispanic leaders' actual motive in opposing the bill.

IN THE spring of 1984, Simpson-Mazzoli almost became law. Despite opposition led by Representative Edward Roybal, a Democrat from Los Angeles who organized the Congressional Hispanic Caucus a decade ago, the bill squeaked through the House by five votes in June, having already cleared the Senate twice before. Unfortunately, the Democratic convention intervened before the bill could go to a House-Senate conference. Hispanic delegates, at the request of the League of United Latin American Citizens (LULAC) and the Mexican-American Political Association (MAPA), threatened to boycott the first ballot vote unless candidate Walter Mondale and the party took a noisier stand against the bill.

The key player was Henry Cisneros, the Latino mayor of San Antonio, who had made Mondale's short list for vice president. Cisneros likes to strike a high-tech, high-minded, neoliberal sort of pose. He had not previously been known for his opposition to immigration reform, an issue redolent of prestigious commissions and approving editorials in the *New York Times*. But in the glare of national publicity, Cisneros changed tactics. He managed to defuse the boycott, but only by making opposition to immigration reform a new litmus-test issue for Mondale and the Democratic Party. Mondale met with Hispanic leaders at the convention and pledged to use all of his influence among Democrats in Congress to kill the legislation. (As a senator back in 1970, Mondale had called illegal immigration "a hemorrhage along the Mexican border," adding that "it's the ugliest phenomenon in the United States today.")

Cisneros has seized on a characteristically chin-wagging angle on the immigration question. Illegal immigration, he asserts, is a bilateral "push-pull" phenomenon. Sanctions

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may eliminate the attraction of American jobs, but they can never address the real source of the problem—the desperately impoverished conditions in Mexico that push people toward the Rio Grande. He thus urges that U.S. companies invest in Mexico, thereby creating jobs, and calls for tax credits to steer investment in that direction.

Yet nothing the United States can do will raise the standard of living south of the border far enough soon enough to solve the illegal immigration problem by itself. Bilateral solutions are a nice idea, but the Mexicans have never expressed a serious interest in halting the exodus of emigrants. And for good reason: hard-working immigrants in California and Texas send millions of dollars to family members back home. The Cisneros alternative is no alternative at all.

Prominent figures such as Roybal and Cisneros cannot cite the desires of Hispanic constituents as justification for their position on immigration reform. Dozens of responsible polls in recent years show that the overwhelming majority of Hispanic citizens—and the general public—favor employer sanctions. A Gallup poll taken in 1983, for example, found that among Hispanic respondents, 75 percent indicated support for a law prohibiting the hiring of illegal aliens.

WHY, THEN, are Hispanic politicians working so hard to stop immigration reform? They may be mesmerized by the prospect of burgeoning Latino populations that will continue to grow in the absence of reform. Undocumented arrivals can't vote, of course, but their numbers still make a difference. Political analysts have noted that Hispanic-Americans are the latest large bloc of ethnic voters to be fought over by the two major parties. The reason for much of the attention, undoubtedly, is that the Hispanic population in the United States is growing extremely rapidly. In 1980 Representative Robert Garcia, whose district includes the South Bronx, argued that census results for that year be modified to take into account the many thousands of illegal aliens residing in his district. Without their inclusion, the population count showed a 50 percent drop since 1970. In successfully arguing for the adjusted figures, Garcia saved his seat from redistricting. Hispanic elected officials in Los Angeles have been waging a similar fight to include illegals in any population tally affecting political representation.

A paradoxical possibility is that the current Hispanic-American political elite may actually object, not to the employer sanctions, but to the amnesty provision. Just as the German-Jewish "Our Crowd" Brahmins of the 19th century were not at all eager to see waves of Eastern European Jews flooding this country, established Hispanic-Americans may not be wild about the idea of competing for jobs and social acceptance with millions of newly legitimized arrivals.

A third possibility is that Hispanic leaders' opposition to immigration reform is simply part of agribusiness's opposition. Consider the position of Democrat Kika de la Garza, chairman of the House Agriculture Committee and representative of a district in south Texas that is 70 percent Hispanic. De la Garza has long looked out for the interests of sugar growers in his region, who depend on a supply of migrant farm laborers from across the Rio Grande. Representative Solomon Ortiz, a Hispanic Democrat of Corpus Christi, likewise is extremely protective of his district's many fruit and vegetable producers. The virtually open border keeps their costs low and their profits high.

Meanwhile Cisneros, who just two years ago had nothing to do with the debate over Simpson-Mazzoli, is now quoted routinely by Hispanic leaders on Capitol Hill as their primary spokesman. But according to David Hawkey, a reporter for the *San Antonio Light*, the mayor rarely speaks out on the immigration issue while in Texas. "It's a natural issue for him nationally, but he figures it doesn't really work well with the rank and file back home. San Antonio Hispanics are very much against the open border."

EVAN T. BARR

Evan T. Barr is a former reporter-researcher for TNR.

THE PRESS

SCIENCE FRICTION

ON JUNE 3 the *Washington Post* reported that Time Inc. is seeking to buy *Science 86*, a monthly magazine published by the American Association for the Advancement of Science. Time Inc.'s intention, according to the *Post*, is to close *Science 86* down and merge the subscription list with that of its own monthly science magazine, *Discover*. Social Darwinists might call this move "competitive exclusion."

Discover and *Science 86* are much closer in editorial approach and audience than either is to any of the other general science magazines. (These range from *Scientific American* down to *Omni*.) But unlike *Discover*, *Science 86* has a clear editorial identity, and it is by far the more attractive, serious, and financially sound of the two. Time Inc.'s offer is derisory—$3.5 million spot cash, $1.5 million more in installments. The takeover is being fought by the magazine's editor, Allen Hammond, who has enlisted a New York investment bank and has been searching for silent partners in an employee buyout or, failing that, for a third party with the interest and resources to keep it alive. The *Post* story aroused lawyers at the Federal Trade Commission and in the antitrust division of the Justice Department. Time Inc. is pressing for a decision within days. Whatever the immediate outcome, the episode suggests a lot both about the AAAS, whose mission, after 140 years, has become uncertain, and about Time Inc.'s present editorial leaders, whose last three magazine start-ups have been fabulous money-losers. More generally, it draws attention to a niche in the magazine jungle, namely popular science, that five years

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ago looked richly promising and is now deeply troubled.

The American public has long been avid about science. Back in 1845, three years before the AAAS was founded, a weekly called *Scientific American* began publishing; a century ago at least half a dozen science magazines were available to the general reader. The present cycle of publishing science for the citizenry began shortly after World War II, when two young men at *Life*, Gerard Piel and Dennis Flanagan, drew up plans for an independent monthly devoted to science. Flanagan was editor, Piel was publisher and the aggressive boss. As they were hefting the champagne bottles for the launch, they learned that *Scientific American*, a chapfallen centenarian, was going bust. They bought it for the name, and dated their first number March 1948.

The new *Scientific American* was a terrific success. It published good articles by great scientists. It had a tough-minded liberal voice, running, for example, James R. Newman's thrilling polemical review of Herman Kahn's *On Thermonuclear War* ("Is there really a Herman Kahn? It is hard to believe. Doubts cross one's mind almost from the first page of this deplorable book: no one could write like this; no one could think like this. . . ."). It brought in great advertisers, too—not just the microscope makers but the Scotch whiskies and the motor cars. But by the 1970s the formula was stale. The first decades had stripped out the large subjects that could be told with sweep and generality. Inevitably, the articles became more specialized, more narrowly focused. The editing grew wooden. Flanagan regularly explained to me that he wanted his magazine to be the *New Yorker* of science. I regularly warned him that it was becoming a magazine not for the serious general reader but for those formally trained in the sciences.

OTHERS SAW THE opening. Bob Guccione, publisher of *Penthouse*, was quickest in with *Omni* in 1978, a magazine that served up flashier science fact layered with science fiction, using interviews with scientists as the centerfold. At *Time* in New York, a senior editor named Leon Jaroff had long been pushing science cover stories as well as a plan for a new scientific monthly. In Washington, Allen Hammond had a similar idea; he was at the time the chief of the news sections of *Science*, a weekly journal of original research published since 1900 by the AAAS.

Early in 1979, Henry Grunwald, for ten years managing editor of *Time*, became editor in chief of all the Time Inc. publications. One thing above all an editor in chief at Time must do: found new magazines. (The corporation's dazzling recent financial success was *People*.) Grunwald, who had barely tolerated science while at *Time*, astonished everyone by taking up Jaroff's plan.

One day in the summer of 1979, Grunwald and Jaroff came to visit Hammond and William Carey, the executive officer of the AAAS and the publisher of *Science*. One of them later described the meeting as "the classic little Napoleon scene." Grunwald wanted an alliance with the AAAS that would put just his magazine into the field. He said, "We're the experts in publishing, you are the experts in science." He said that Time Inc. dominated the newsstands, that they had the skill at selling subscriptions—and had incomparable financial resources. He did not quite say, "We will bury you." He made vague offers of collaboration: a board of editorial advisers from the association in return for its imprimatur, maybe some free advertising pages, perhaps a few percentage points when the magazine began to show a profit. In a recent conversation, Carey recalled vividly that Grunwald rejected out of hand the notion of the AAAS having any true editorial control. With that the meeting ended. The first issue of *Science 79* appeared that November. The first issue of *Discover* was dated October 1980.

Science 79's initial performance was not far off projections. Circulation grew to 700,000 in a year and a half (and has held there since); though *Discover*, sure enough, did better on newsstands, *Science 80* (and *81*, *82*, . . .) was delivering much the kind of educated, young, high-salaried-professional audience it had aimed for. From 1980 on, the magazine showed a positive cash flow every year until 1985. After a couple of years, though, Hammond began to realize that he was not going to be able to convince Carey of the investment that had to be made to strengthen circulation and broaden the editorial scope of the magazine.

Discover lost money steadily. And those deep financial resources of Time Inc. were tested by other new magazines started under Grunwald. The first was *TV-Cable Week*, which came out in April 1983 and by September had lost an admitted $47 million. About that time, science magazines as a category began to lose advertising pages. *Discover* hadn't isolated a rich, upwardly mobile, educated audience. Jaroff pointed out to Grunwald that Americans of all classes and backgrounds are crazy about science. The advertising salesmen began to complain that the magazine was too difficult; for example, it was running too many physics stories. Jaroff answered that that happened to be a banner year for discoveries in physics, and he'd run the biology or psychology stories when they came along. Grunwald directed Jaroff to include subjects in a certain proportion in each issue—for example, always at least one medical story and one about human behavior. Jaroff replied that advertisers were asking for an audience at least two-thirds male, and that the sorts of stories Grunwald was demanding would shift the audience toward that of, say, *Psychology Today*, which has an audience that is 60 percent female. On the last Friday in September 1984, Grunwald called Jaroff into his office and handed him two sheets of paper. One announced that Jaroff had become editor-at-large at *Discover*. The other announced that he was on a three-month leave and was awaiting another assignment. Grunwald demanded a decision on the spot.

TODAY THE cumulative losses at *Discover* are said to approach $57 million. Grunwald moved Gilbert Rogin, who had been managing editor of *Sports Illustrated*, to *Discover*. Time Inc. cut the magazine's advertising rates nearly 40 percent and announced in full-page advertisements in the *New York Times* that the September 1985 issue would unveil "Gil's" new look. Jaroff went back to *Time* as senior editor

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of the various science sections, with an inflated title and salary. In the two years since he was fired, *Discover* has lost another $10 million. In contrast, *Science 84* effectively broke even; *Science 85* lost $800,000 (including overhead charges from the AAAS); Carey fears a loss of $1 million this year, but Hammond said recently that economies put in force last March should hold the loss to about $100,000.

IN THE PAST five years, *Scientific American* has also encountered problems. With the October 1984 issue, Piel and Flanagan retired. Over the last two years the magazine has been rejuvenated editorially—the articles and book reviews have grown livelier, more varied, and more timely. But though its circulation holds at 600,000 a month, its advertising pages and revenue have dropped sharply—by 27 percent between 1985 and 1986. *Scientific American* is now in the red, supported by the two other scientific publishing enterprises the corporation owns. Piel, now chairman, announced in May that the corporation is looking for a friendly acquisitor. A "controlled auction" is now under way. Time Inc. and the *Economist* of London, among others, have shown interest. The result should be known within days.

Meanwhile, Time Inc.'s bid to take over *Science 86* would leave one less magazine competing for advertising and one less magazine on the newsstands. But its real gains would come from all those subscriptions. It costs *Discover* $3.5 to $8 million to get 200,000 new readers through direct-mail solicitation. *Science 86* has 670,000 subscribers. *Discover* could expect to pick up 600,000 of them at once, and Time Inc. is hoping that better than 20 percent will renew. For its down payment, Time Inc. would buy between 150,000 and 200,000 steady subscriptions. The $3.5 million would be made back in 12 to 15 months.

Carey, now 67 and approaching retirement, believes *Science 86* is a drain on the association's income. He has pressed the AAAS board for a quick decision, leaving Hammond little time to counter the Time Inc. deal: no controlled auction here. The stately bidding for *Scientific American* has preoccupied several of the otherwise potential buyers of *Science 86*, notably the *Economist*. Protests against the sale—by subscribers, AAAS members, and scientists—have been vigorous; the board is reported to be equivocal. A strong ally of Hammond's has been Gerard Piel, who has just completed a year-long term as president of the AAAS.

Carey said recently: "There's nothing in the AAAS charter that says we have to lose members' money publishing a magazine." But *Science 86* is a going enterprise, far healthier than *Discover*, which itself is likely to be forced to close if the present maneuver fails. The AAAS charter speaks clearly of an obligation to increase public understanding of science—an obligation hardly met by hustling *Science 86* to the slaughterhouse.

HORACE FREELAND JUDSON

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A fresh analysis.

ABORTION ECONOMICS

Editors' note: The most influential intellectual movement in legal scholarship today is called "law and economics." Coming out of the University of Chicago, it uses economic analysis in novel ways to address legal and moral issues. One of its leading adherents, former Chicago professor Antonin Scalia, has just been nominated by President Reagan to the Supreme Court. Because of the importance of this school of thought, and because of the continuing anguish of the abortion issue, TNR *violates its usual policy of not reprinting articles from other publications in order to publish the following essay, which originally appeared in the legal journal* Constitutional Commentary.

ABORTION is customarily approached as a matter involving rights, either of the mother or of the unborn fetus. It is not surprising that such a crude form of analysis has failed to produce any definitive solution, or that the subject has remained highly controversial. As usual, economic analysis is a far more subtle and sophisticated analytical tool.

Abortion is a classic example of market failure. One of the interested parties, the fetus (or, under another philosophical view, the person whom the fetus would become if the abortion did not take place) is in no position to enter into an arms-length transaction. The adult into whom the fetus would have grown might value his life at a higher amount than the parents value the abortion. If the fetus had access to the potential assets it could acquire as an adult, and if it had the bargaining abilities of an adult, it might well be able to afford to pay the parents enough to persuade them not to have an abortion. Under these circumstances, allowing the abortion is economically inefficient. A temporal market barrier prevents the economically efficient solution from being attained.

The solution, however, is not a ban on abortions but the creation of a market. A representative could be appointed on behalf of the fetus to bid against the parents on the abortion decision. Since most fetuses have no assets, they would presumably have to borrow against their future earnings. If the parents win the bidding war, they could have the abortion, but must pay their winning bid into the Fetal Bank. If the fetus wins, it is allowed to be born, but some share of its future earnings would be paid to the Bank. Funds in the Bank could be used for loans to fetuses; any excess would be available either for redistribution (under a liberal regime), or perhaps even better, could be invested in embryonic industries.

Some objections might be raised to this scheme, but rigorous analysis shows them to be unfounded. One counterargument is that the poor would be unable to have abortions, since they would not be able to outbid their fetuses. But the children of the poor generally have low potential earning capacities; therefore, the fetuses of the poor would also be in low income brackets. Impoverished fetuses would be able to borrow relatively little money,

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and hence would be on an equal footing with their equally impoverished parents.

Another possible objection is the existence of externalities. Allowing an abortion offends pro-life individuals. The answer is that they too might enter the bidding, along with pro-choice advocates, those who wished to adopt the children, those favoring zero population growth, and others.

A more serious objection is that some parents might dishonestly claim that they intended to get abortions, only as a way of forcing their fetuses to bid against them and thereby capturing a share of the fetus's future earnings. If the fetus's bid were paid to the parents, this would be a potentially serious problem. It is preferable, therefore, for the fetus's earnings to be paid only to the Bank, thus eliminating the incentive.

One advantage of this free-market approach is that it mirrors some common beliefs about when abortion is more appropriate, or at least more understandable. Fetuses with genetic defects would have low earning potential, and thus would often be outbid by their parents. Also, the longer the pregnancy continues, the shorter the period for which the fetus would need to borrow the money; hence, the discounted present value of the fetus's future earnings would rise sharply. An abortion late in pregnancy could easily require a parent to bid thousands of dollars more than an abortion early in pregnancy. Also, since the decision to abort would be expensive, there would be a strong incentive for those who do not desire children to use contraception.

Unlike any other proposed approach to the abortion issue, this approach gives full weight to the interests of both the fetus and the parents. True, those who believe in choice may be disconcerted that such a fundamental choice must be paid for, while those who are pro-life may be offended that fetuses must bid for their lives. Still, as Milton Friedman has told us more than once, "there's no free lunch."

DANIEL A. FARBER

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For pro-nukes, for anti-nukes.

LESSONS OF CHERNOBYL

AFTER THE accident at Three Mile Island in 1979, some critics of nuclear power claimed that we had come within a hairsbreadth of radiation releases that would have left many thousands dead. Some advocates of nuclear power claimed that the worst conceivable accident had occurred, proving that reactors are not agents of catastrophe, except perhaps to the reactors themselves. It was impossible to know which of those claims had more truth in it. Perversely, the ambiguity arose because no one was hurt. Most of us were left to wonder whether a much worse accident lay ahead.

Now, with the accident at Chernobyl, we are no longer wondering. About 30 people are known to be dead, and at least 80 more are gravely ill. The reactor's confinement was completely breached, and American scientists have estimated that more than 50 percent of the motile radioactive material was released into the atmosphere (a total estimated release of over 40 million curies, compared to 15 curies at TMI). No one here yet understands precisely what happened in the Chernobyl reactor, and it's unlikely that the Soviets do either. Nevertheless, there are already important lessons to be drawn from the accident, for both the critics and the advocates of nuclear power. The lessons don't depend on the causes of the accident, only on the fact of it and the extent of its damage.

Lessons for Critics. The immediate observation is that the accident has produced about 100 prompt deaths and may eventually be judged responsible for as many as a few hundred more. Evacuation was necessary to keep the casualties this low. Richard Wilson, a physicist at Harvard University and the chairman of last year's American Physical Society panel on severe nuclear accidents, points out: "They evacuated probably everyone within 10 miles downwind, and if you look at our emergency planning regulations, they say: evacuate people 12 miles downwind. The Russians ... probably got them out in time, so the number of prompt deaths in that area would not be particularly big."

This is not to say that Chernobyl was the worst accident that could possibly happen. A little applied stupidity can make almost any situation worse. But it is an excellent sample of a true nuclear disaster: events were for a time completely beyond control; a gas explosion occurred, and the reactor core melted down; the release of radioactivity was very large. The accident occurred in a populous area, close to a major city. In spite of all that, the fatalities are in the hundreds, not the thousands, certainly not the tens of thousands. This is indeed a disaster, and the victims deserve all the sympathy and assistance we can manage (most of the press coverage focused on Soviet secrecy and American tourists). But it is not the cataclysm some have predicted.

ONE CAN argue that an accident of precisely this kind would be much less likely in the United States. Reactor safety procedures here are more rigorous than in the Soviet Union, and we have only one reactor like Chernobyl No. 4. Such graphite-moderated reactors are inherently more dangerous than the light water reactors (LWRs) that make up the bulk of the commercial nuclear industry in this country. Our only graphite model is the N-Reactor at Hanford, Washington, operated by the defense materials complex of the Department of Energy to produce materials for nuclear weapons. The containment features of the Chernobyl reactor are rudimentary compared with U.S. power reactor requirements and were not part of the reactor's basic design. Perhaps most important, the Chernobyl plant has what is known as a "positive reactivity coefficient" (the nuclear reaction increases as the production of power in-

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creases), which seriously aggravates control of internal problems; no U.S. reactors have positive coefficients.

But the dominant fact of Chernobyl is that we now have empirical evidence on the scope of a real reactor disaster, and its dominant characteristic is hundreds of fatalities. Such an accident is comparable in scale to other disasters whose risks society has judged acceptable. It would be irrational to compare the casualties to those caused, say, by the Mexican earthquake, whose occurrence is an unfortunate condition of life there. But it is reasonable to compare them to the results of a major airplane crash, whose occasional occurrence is a condition of our society. A crash that kills 350 people does not produce serious exhortations from public leaders to stop commercial airplane flights. Rather, it produces a demand that the cause of the accident be discovered, and that, if possible, no one be placed in further risk of such a crash.

This is a responsible reaction. Society is not willing to forgo the benefits of air travel, but society should not bear unnecessary risks. Nevertheless, air travel inherently involves some risk. By any scientific account, the risks an average person runs by living in a country with nuclear power are far smaller than the risks that same person runs riding in airplanes. Still, it could be possible that, despite the minimal risk to any individual, the dire prospects of any single accident are too great for society to bear. This is the prospect the Chernobyl accident, the only evidence we have, seems to confront.

A NUCLEAR POWER accident is different from an airline crash in two important ways. First, the radiation and its damage are invisible. The air crash takes its lives immediately; the reactor disaster may cause casualties and fatalities for many years as cancers develop. To most people, radiation is simply a mysterious killer associated with nuclear reactors. Thus although rationally the cases are the same, emotionally they are very different. But if we need nuclear power, the choice must be made on a rational basis.

Second, we have no practical alternative to airplanes. With the first great "energy crisis" behind us, we can easily become complacent about our future energy supply. The facile answer of some critics of nuclear power has been that risks of any kind are unnecessary: we will simply get our electricity elsewhere. Still, the oil *will* run out. The principal "inexhaustibles" (solar electric and fusion power) remain high-tech dreams of the distant and uncertain future. We will all be well off if the benign inexhaustibles prove practical and economic, but we would be improvident to wager the future on them. There remain only two sure sources of energy: coal and nuclear fission. But large-scale coal-burning cumulatively poisons both the atmosphere and the water supply. In the long term its effects could be devastating worldwide.

When we are dealing with technologies that are in some measure risky, responsible criticism is essential. But campaigning and litigating to prove that nuclear power is inherently unacceptable is unreasonable: no one knows. And playing on public fears and ignorance to press one's case is irresponsible. The prudent course is to improve LWR safety and economics while we do research and development on the inexhaustibles. Critics should apply their talents, both political and technical, to producing a development program that can find acceptable solutions.

Lessons for Advocates. Reactor accidents must now be acknowledged to be serious possibilities threatening the lives of large numbers of people. Even those advocates who cannot conceive of an American Chernobyl must recognize that the American people cannot be persuaded to join that confidence. The object lesson is too large and too real. Whatever you think about the safety of current LWRs, they are going to have to be improved before the nuclear power industry in the United States can possibly be revitalized.

Of course, the industry has other serious problems, principally economic ones. Even when oil was cheap, nuclear reactors used to appear cheaper to utilities in the long run, and in the late 1960s they were cheaper. But then safety concerns (manifested in licensing delays and legal challenges from critics) stretched construction times from under five years to ten years or more; high interest rates paid over these periods raised the costs of plants by 40 to 50 percent; and the uncertainties of licensing time made the economics of the investment difficult to calculate. U.S. reactors and their safety processes have not been standardized. Partly because of this, they deliver on average only 55 percent of their operating capacity factor. This is close to the worst record in the world (Swiss, Finnish, and Belgian reactors deliver nearly 90 percent of capacity). Lack of standardization makes licensing more difficult and results in expensive engineering and technical services (now two-thirds of the construction costs) at each construction site.

By contrast, the naval reactors that power our nuclear submarines are built to strict design standards and have an exemplary record of safety (and of cost and schedule: the cost of the rest of the submarines has escalated). The U.S. naval reactors provide an empirical proof that nuclear reactors can be made to operate safely, just as Chernobyl demonstrates that commercial reactors can be dangerous. Naval reactors operate at very close quarters with their populations, yet no significant accidents—with or without casualties—have ever occurred in our Navy (there is some evidence of a Soviet naval reactor accident, unconfirmed of course). On the other hand, naval reactors don't have to be economically efficient and don't have to deliver power levels anywhere near the ones required of commercial reactors. LWRs grew out of the naval reactor program in the '50s, but there never seemed a strong enough reason to submit the commercial reactors to the rigorous controls applied to the design, construction, and operation of the naval ones. Now there is.

SOME ADVOCATES and friendly critics of nuclear power maintain that the way out of the current economic-safety-public relations dilemma is to develop a new kind of commercial reactor that is inherently safe, that even in principle can't have an accident that leads to a meltdown or a release of radioactivity. Even if such a

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reactor were developed, there would be a terrific problem convincing the America public it met those criteria. That kind of absolute confidence in technical infallibility is getting very difficult to inspire. But even aside from public suspicions, the inherently safe reactor has two problems: it means starting over in development, commercialization, and licensing, all long processes; and it probably means dealing with reactors whose power production is limited.

A more realistic approach is to undertake a serious re-evaluation, improvement, and standardization of the existing LWR. The government could conduct a major program in focused safety and design research to produce a single new standard design for a significantly safer LWR. This is, in fact, the general direction in which the Department of Energy research programs have been headed for the past few years, but the effort is far short of a national commitment that would address both the technical and public acceptability problems. The model that emerged would make construction times shorter and construction processes cheaper; it would simplify licensing so that procedures could be rapid, efficient, and relatively free of political maneuvering; and it would help solve the capacity-factor problem in operating costs. Most important, it would be credibly safer.

The utilities should be made part of this process, not only to establish their commitment but also to make use of their operating experience and their requirements for size, operability, and cost. Critics of the industry should participate as well, to ensure that the full range of potential problems has been recognized and dealt with.

IT MAY BE naive to suggest today that this is one problem that only the federal government can deal with. But the situation is clear: the public is deeply concerned, and with good reason; the necessity for a safe nuclear power option in the future (20 or 30 years from now) is manifest in virtually all current analyses; the utilities and nuclear construction industry are financially and politically incapable of changing the situation; and the ideologically motivated fraction of the critics (to whom nuclear power and nuclear weapons are indistinguishable) is politically adept and intractable. A government-sponsored development program to cut through this fearful knot could be established immediately and run for five years for less than the cost of replacing the shuttle Challenger. Surely it is as justifiably a government responsibility as a new shuttle.

The great difficulty with such a solution is not that it involves government action (the government has always sponsored some reactor R&D) but that it isn't exciting. No big new technology for the advocates, no political crisis for the critics, no quick fix for the utilities, no appearances on ABC's "Nightline" for anybody. But after a decade and a half of taking the energy problem seriously, it's time we got around to mature attitudes toward solutions.

TOM JOHNSON

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Why Reagan didn't help.

SOLIDARITY ABANDONED

ON JUNE 4 the *Washington Post* reported that the United States had detailed advanced knowledge of the Polish government's plans to crush the free trade union movement Solidarity in late 1981, and did nothing to prevent it. According to the story by Michael Dobbs and Bob Woodward, a high-level informant on the Polish army's general staff, Colonel Ryszard Kuklinski, had provided the Reagan administration with operational plans of the crackdown at least a month before it happened. Even more startling, the story was confirmed by Jerzy Urban, the chief spokesman for the Polish government: "The U.S. administration could have publicly revealed these plans to the world and warned Solidarity. Had it done so, the implementation of martial law would have been impossible." According to Urban, when Kuklinski fled Poland in late 1981, the government knew he had been spying for the United States. "[We] waited for some kind of announcement from Washington. But time passed and the United States was silent, so the plans were put into effect." On December 13, 1981, martial law was imposed, putting an end to a novel experiment in the communist world.

By confirming one of the most impressive C.I.A. infiltrations of a Warsaw Pact government, Urban shamelessly admitted the lies propagated to justify martial law. For since December 1981, the Polish government has claimed that General Wojciech Jaruzelski was forced to impose martial law at the last moment because of the "threat of anarchy" posed by Solidarity's call for a general referendum and a nationwide strike. Urban also contradicted the regime's propaganda that martial law was an "internal matter" decided upon without the assistance of the Soviet Union. In fact, as he later conceded, it was Soviet officials involved in planning the crackdown who discovered that someone was leaking information to the West.

The motives for Urban's revelations are obvious: to embarrass the United States and demoralize the Polish people by claiming that one of their most revered political figures, Ronald Reagan, failed to help them in a time of need. Urban was also projecting the government's confidence in the success of its drive for "normalization." Urban's interview coincided with the arrest on May 31 of Zbigniew Bujak, an underground leader of Solidarity who had eluded arrest for four and a half years. Bujak has been charged with acting "on behalf of foreign sources of subversion" and attempting "to overthrow the government by force." Urban is exploiting Bujak's arrest to peddle the notion that Bujak is an agent of a "power that [by failing to support Solidarity] abandoned the Polish nation"—the ultimate cynicism for someone whose business is to defend the communist government as the legitimate representative of the Polish people.

Yet, whatever Urban's aims, his assertions cannot be

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dismissed as easily as the Reagan administration would like. The State Department called the Urban interview a "trumped-up" effort "to deflect responsibility for the imposition of martial law," a correct if incomplete statement. U.S. officials nevertheless confirmed some essential facts, admitting that "the only thing Kuklinski could not give us was the day." Even the State Department's attempt to refute Urban sounds like a confirmation: "In the confused months leading up to martial law, we were well aware of the possibility of the imposition of martial law, but had no definitive information as to whether or when such a step might actually be taken. In the absence of such information, our objective was to try to convince the Polish government to work out a peaceful solution with Solidarity."

The State Department says, in effect, that even after the United States had been apprised of the plans to impose martial law, it was still in doubt about the intentions of General Jaruzelski. Apparently it saw its role as that of a counselor whose voice of reason and moderation could have swayed a hesitant partner. But it omitted the most important point: the United States, despite Kuklinski's information, was caught flat-footed on December 13, 1981. The administration, mesmerized by the threat of a Soviet invasion, had failed to prepare for the contingency of an internal crackdown. Jaruzelski's "suprise" must have shaken the policy planners. It took two weeks before the administration mustered some kind of response. Even then only a limited set of sanctions was imposed, with the idea that "if repression continued" stronger measures would be taken against both the Polish and Soviet governments. The repression has continued, but no further sanctions ever followed.

The State Department's response to Urban illustrates the continuing inability to understand the nature of events in Poland and the opportunities they presented for U.S. policy toward the communist world. It is largely irrelevant that the U.S. did not know "when" martial law would be imposed. It is absurd to claim that it did not know "whether" an internal crackdown was coming. After Kuklinski's defection, there was ample information to indicate that martial law was imminent. The source was credible and the intelligence reliable, so much so that the C.I.A. "exfiltrated" its prize agent. Why did the U.S. not try to forestall, or at least delay, martial law by making clear the consequences awaiting Warsaw and Moscow? Why did it not prepare a quick and adequate response to a crackdown, and why did the U.S. not try to warn Solidarity?

ON DECEMBER 12 and 13, 1981, Polish special riot police and army units were ordered to begin carrying out what General Jaruzelski would announce on Polish television the next morning as a "state of war." Virtually the entire national, regional, and local leadership of Solidarity was arrested. Only a few, such as Bujak, escaped into hiding. Solidarity was caught by surprise despite suspicions that the government would attempt to impose some form of "emergency measures." Instead Jaruzelski illegally invoked the "state of war" provisions in Poland's constitution meant for the case of external aggression. Neither the scope of martial law nor the participation of the army had been foreseen.

The U.S. and NATO governments also said they were caught by surprise, and Secretary of State Alexander Haig immediately warned against a hasty response. Indeed, in the days following martial law, Haig and State Department press spokesmen would only talk of "serious and grave consequences" if the Soviet Union invaded Poland, a fear that ignored the reality of the suppression of strikes, massive use of force against demonstrators, and the detention of more than 10,000 people. On December 17 President Reagan, in his first words on the subject, only repeated the initial warnings: "Intervention by the Soviet Union would be taken most seriously by the whole free world." At the time Haig's and Reagan's incantations could have been interpreted as a sign of U.S. acquiescence in what was already happening.

Throughout, Haig opposed virtually all meaningful sanctions. He continued to say that "we are hoping the Polish government will decide to negotiate with Solidarity"—which had by then had enough of Polish government-style negotiations. "We cannot take a doomsday theory that all is lost and is inevitably lost in Poland," he said. "We must hope that the same constraints that have operated in the past [16 months of Solidarity's legal existence] will continue to influence the outcome of the situation in Poland."

On December 20, 1981, Haig revealed that the administration may not have been surprised after all. He said, "We were clearly conscious of the likelihood that the initial repression would come from Polish security and military forces." As early as August 28, 1981, Haig had said, "I do think that the Soviet leadership [has] concluded . . . that it was not in the Soviets interest to intervene" in Poland. An informed congressional source confirms that "high U.S. government officials were aware of the secret intelligence. Congress was also informed of the high-level penetration [of the Polish General Staff]." He added, "Not only was it well understood that an internal crackdown was coming and that the army would carry it out, but the C.I.A. also came to the Congress afterward and crowed that it had been right in calling the shots." Nevertheless, "there were no U.S. government plans to meet this contingency." And, according to present and former officials, efforts to introduce such plans were ignored or rejected in policy circles.

THE ADMINISTRATION reaction in this crisis reveals the extent to which its policy was based on a series of false premises. From the very first days of Solidarity, U.S. policymakers were exclusively concerned about the possibility of a Soviet invasion of Poland. In December 1980, the Soviets launched massive troop movements on Poland's borders during a Warsaw Pact exercise, and the Carter administration, according to Zbigniew Brzezinski, had "confirmed intelligence that the Soviets would move." In response, the administration made public its plans to take

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strong action in response to an invasion, mobilized Western leaders to act jointly with the United States, and tried to warn Solidarity's leaders of what was thought to be an impending strike. Moscow soon relaxed its threatening posture, although it is impossible to know for sure if the Soviet Union actually reversed a decision to invade. Nevertheless, to its credit, the Carter administration had warned the Soviets of the consequences of an invasion beforehand, consequences that had to enter into their calculations.

When President Reagan took office, Secretary of State Haig adopted the invasion scenario, and gave little thought to other possibilities. The former commander-in-chief of NATO focused on fighting the last war rather than preparing for the next one. The significance of the Soviet decision not to invade in August 1980 went unappreciated. If the warnings of the West had constrained the Soviets at all, why couldn't the United States attempt to create the same kind of constraints for General Jaruzelski? "I kept telling the president to remember Hungary," writes Haig in *Caveat*, not realizing that Solidarity presented an entirely new development that was in no way comparable to Hungary in 1956 or Czechoslovakia in 1968, where the Soviets faced rebellious communist parties.

The rise of Solidarity—by October 1980 ten million strong—was unique because it pitted the whole of Polish society against the communist elite that still pledged allegiance to the Soviet Union. Confronted with a novel political movement happily oblivious to the conventional wisdom of what was "possible" or "impossible," most policymakers were caught in routinized policy and thinking. Secretary of State Edmund Muskie protested the AFL-CIO's decision in early September 1980 to provide financial and material assistance to Solidarity, and assured Soviet ambassador Anatoly Dobrynin that the U.S. government was not involved. Everyone agreed Solidarity could not survive. "There was never any question that the popular movement in Poland would be crushed by the USSR," Haig categorically states. Therefore he offered the Soviets a carrot telling Dobrynin, "We will stay out [of Poland], and we want you to do the same."

AT THE TIME, several Solidarity leaders who visited the West voiced their fear that American policy toward Eastern Europe was following the so-called Sonnenfeld Doctrine, named after Helmut Sonnenfeld, an aide to Henry Kissinger in the early 1970s. This doctrine holds it is in the interest of the United States and NATO to maintain stability in the Eastern bloc. Stability, it is said, would allow the satellite governments to experiment with reform from the top down. This by-product of détente implicitly regards as dangerous any mass-based movement attempting to force a communist government to change from the bottom up. Solidarity leaders were right to be worried. Most West European governments were relieved by the "internal solution" to the Polish crisis, believing it better that Poles be oppressed by a Polish general rather than a Soviet general. Leszek Kolakowski described it at the time as "the belief that the hangman you know is better than the hangman you don't."

Administration officials "may have had ideas about how Soviet control over Eastern Europe could have been weakened but not by a working-class revolution," says Tom Kahn, a top AFL-CIO official. Instead, Kahn notes that "the administration could look at martial law as an opportunity for a rhetorical holiday, lighting candles for the suffering Polish people, saying let Poland be Poland, and mounting a mass anti-communist campaign without adverse consequences, and to avoid having to directly confront the Soviets."

U.S. policy ignored the possibility of a Soviet defeat in the heart of its empire, Eastern Europe. Jaruzelski was never faced with a clear choice: severe sanctions if either the Polish or the Soviet government resorted to force or massive economic assistance in return for an agreement with Solidarity and the Church. Such an agreement would have involved a "national accord" allowing for the continuation of the free union and the implementation of genuine economic reform. We don't know if such a U.S. policy would have made any difference. Perhaps not. At the very least, a forceful warning about the consequences of the kind of internal crackdown then being planned would have allowed Solidarity leaders more time to prepare for it, and demonstrated U.S. support for peaceful change in Eastern Europe.

EVEN NOW, the West is moving toward the recognition that the Jaruzelski regime has "stabilized," that it must be offered assistance, that remaining sanctions should be lifted, and that only the communist leadership can effect reform in Poland. Policy toward Poland is again being set on the presumption that the only way to conduct business is through existing governments in Eastern Europe. This pointedly ignores the 16 months during which Poles forced the government to allow them to live in relative freedom, and to create their own independent institutions. Timothy Garton Ash remarked in an article for the *New York Review of Books* that the strength of Solidarity's resistance lies in the determination of Poles to live "as if" they were free, and he correctly points out that such a posture creates a new set of political realities. If one behaves as if the impossible were possible—"squaring the circle" by democratizing a communist regime—one goes a long way toward making the impossible a reality. It is the "impossible" that the U.S. must be prepared to grasp and promote if it does not wish to waste a future opportunity to achieve greater freedom in Eastern Europe.

ERIC CHENOWETH AND JERZY B. WARMAN

Eric Chenoweth is executive director of the Committee in Support of Solidarity in New York. Jerzy B. Warman is secretary of the committee.

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Ed Meese and his pornography commission.

BIG BOOBS

BY HENDRIK HERTZBERG

GUESS WHAT, Miss Liberty. Ed Meese has a birthday present for you.

On July 3, a few hours before President Reagan flies north to officiate at the centennial celebration of the world's biggest female statue, his attorney general, if all goes as planned, will release the final text of the report of his pornography commission. The resulting fireworks may rival the big show in the sky over New York Harbor. If they don't, it won't be because Meese hasn't tried.

In the conservative dialectic that defines the Reagan counterrevolution, the report of the Meese commission—known officially as the Attorney General's Commission on Pornography—is designed to be the antithesis of its ancestor, the notorious 1970 report of the federal Commission on Obscenity and Pornography. The two reports and the two commissions are indeed antithetical, and not only in the ways Meese intended. If the old commission was the federal equivalent of *Playboy*, the new one is the equivalent of *Hustler*—low-budget, weak on fact-checking, unsubtle, and fascinated by the perverse.

The 1970 commission had a budget of $2 million, a staff of 22, and two years to complete its mission. That mission, as defined by Congress, was to analyze the obscenity laws, to study the effects on the public of the traffic in obscenity and pornography, and, if necessary, to recommend ways "to regulate effectively the flow of such traffic." The 1970 commission sponsored a wide range of original research by reputable scholars, psychologists, and universities. Its chairman, William B. Lockhart, appointed by President Johnson, was the dean of the University of Minnesota Law School.

The 1986 commission, by contrast, had a budget of $400,000 (the equivalent in 1970 dollars of around $150,000), a staff of nine, and one year to complete its mission. That mission, as defined by Ed Meese, was to study the impact of pornography and to recommend "more effective ways in which the spread of pornography could be contained." The 1986 commission sponsored no original research, and its consultants were mostly policemen and antiporn activists. Its Meese-appointed chairman, Henry Hudson, is a Virginia county prosecutor who conducted an avid campaign against adult bookstores, and who once told the *Washington Post*, "I live to put people in jail." While serving as chairman, Hudson was angling for a job—for which he has since been nominated—as a U.S. Attorney.

By all accounts the 1970 commission approached its duties with an open mind. Two or three of its 18 members had taken public positions on pornography, but the rest had not. When it produced its recommendations, they included calls for "a massive sex education effort" aimed at "providing accurate and reliable sex information through legitimate sources," for the prohibition of public displays and the sale to minors of "sexually explicit pictorial materials," and—most surprisingly—for the outright repeal of federal, state, and local laws against "the sale, exhibition, or distribution of sexual materials to consenting adults." The Nixon administration indignantly disavowed the commission, and few of its recommendations were enacted. Not a single state repealed its obscenity laws. But those laws, already spottily enforced, fell increasingly into disuse as police departments turned their attention to more pressing threats to public safety.

The 1986 commission has been stacked to prevent unwelcome surprises. Of its 11 members, six have well-established public records of supporting government action against sexy books and films. One of the commissioners, for example, is a Franciscan priest who has condemned Dr. Ruth Westheimer, the chirpy radio sex adviser, for advocating orgasms in premarital sex. Another is a religious broadcaster whose best-selling book, *Dare to Discipline*—a title that would not be out of place in the bondage section of an adult bookstore—advocates corporal punishment of children. A third is a University of Michigan law professor who has argued in law review articles that pornography is not constitutionally protected. The Meese commission lacked the financial and staff resources of its predecessor, but since its conclusions were preordained, it didn't really need them.

The Meese report will recommend a long list of stern measures. They include changing obscenity laws to make any second offense a felony rather than a misdemeanor, with a mandatory one-year jail term; prosecuting the producers of porn films under the prostitution laws (because the actors are paid for their work); changing the forfeiture laws to permit the government to confiscate the assets of any business found in violation of the federal obscenity laws (allowing, for example, the seizure of a whole convenience store for the sale of a single dirty magazine); and a big enforcement push, including the appointment of a "high-level" Justice Department task force on obscenity cases. Where the pornography in question is too mild to bring the obscenity laws into play, the report somewhat cautiously recommends "private action"—picketing, boycotts, and the like.

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Under the federal sunshine laws, the Meese commission has conducted virtually all of its business in public—not only the hearings it staged in Washington, Chicago, Houston, Los Angeles, Miami, and New York but also the working sessions it held in tandem with the hearings. Given the appeal of the subject, the show played to curiously empty houses. Not a single major newspaper assigned a reporter to cover the story on a regular basis. The only reporters who turned up for every meeting, and who assiduously collected the chaotic pastiche of hastily written drafts and documents that will make up the final report, were two representatives of what might be called the trade press. Philip Nobile and Eric Nadler of *Forum*, a kind of journal of sexual opinion put out by the Penthouse empire, will publish their researches next month in a book, *The United States of America vs. Sex: How the Meese Commission Lied about Pornography*, which combines solid reporting with lively and intelligent polemics. It is thanks to an advance reading of their manuscript and collection of documents that I have some idea of how the commission went about its work.

IT WAS QUITE a show. The commissioners heard 208 witnesses, including 68 policemen, 30 "victims," and 14 representatives of antipornography organizations. They were subjected to slide shows that were—in the words of the two ultimately dissenting commissioners, Ellen Levine, editor of *Woman's Day*, and Judith Becker, a Columbia University psychiatrist—"skewed to the very violent and extremely degrading," including, in one case, a picture of a man having sex with a chicken. They made field trips to "adult bookstores." They listened as a retired FBI agent assured them that the pornography industry was dominated by organized crime. They engaged in many a zany, aimless conversation, including one discussion of necrophilia during which a commissioner wondered aloud, "Is it legal to have sex with a corpse if you're married to it?"

The "victims" who testified before the commission included former prostitutes, former abused wives and children, former junkies, and people who complained that a relative had spent the family savings on dirty books. All blamed their troubles on pornography, though the causal connections were never clear. One of the most curious victims was a wispy, neatly dressed man of 38 who appeared, Bible in hand, at the commission's Miami hearing.

"I am a victim of pornography," the witness began. "At age 12, I was a typically normal, healthy boy. My life was filled with normal activities and hobbies. All that changed the following summer when I went to visit relatives, a married couple, who decided to teach me about sex. . . . I saw a *Playboy* magazine for the first time in my life.

"All the trouble began a few months later, back at my mother's home. The house we rented had a shed out back, and that's where I found a hidden deck of cards. All 52 cards depicted hard-core pornography—penetration, fellatio, and cunnilingus. These porno cards highly aroused me and gave me a desire I never had before."

The witness then detailed his subsequent record of wrongdoing, all of it, according to him, ascribable to the fatal deck of cards. From shoplifting, he descended to masturbation, anal intercourse with another teenage boy, peeping on his mother, "oral and finger stimulation on my parents' dogs," reading sex magazines ("I used to read Hugh Hefner's *Playboy* philosophy, and I am sure through his help I bought the program of the '60s, hook, line, and sinker"), taking drugs, and—the ultimate degradation—"watching R-rated movies on HBO and Showtime cable."

In conclusion, the witness solemnly told the by now stupefied commissioners, "If it weren't for my faith in God, and the forgiveness of Jesus Christ, I would now possibly be a pervert, an alcoholic, or dead. I am a victim of pornography."

Even the most ardently antiporn commissioners were embarrassed by this sort of testimony—much of which, Chairman Hudson admitted during one of the working sessions, was written and structured by the commission staff.

AT THE beginning of March, that staff, under the guidance of its executive director, a 34-year-old federal prosecutor from Kentucky named Alan Sears, presented the commissioners with a proposed draft of the final report. It quickly became apparent that this elephantine draft—whose 1,200 pages included 200 pages of lurid, unsubstantiated "victim" testimony—owed more than a little to the porno-card school of discourse. One of the commissioners, Frederick Shauer, the Michigan law school professor, protested.

In a letter to his colleagues, Shauer set forth his complaints. He pointed out that the ex-FBI agent who had testified on the connection between pornography and organized crime was a convicted shoplifter with (in the words of the judge who tried him) "a great propensity to lie." He noted that one publication cited in the draft was included only "because it was astoundingly gross, bizarre, and disgusting," and added: "But that does not make it legally obscene, and it does not make us any less of a laughingstock for including it." He called the section on constitutional law "so one-sided and oversimplified that I cannot imagine signing anything that looks remotely like this." On the "victim" testimony, he wrote: "If this section is included as is, we will have confirmed all the worst fears about the information on which we relied, and all of the worst fears about our biases." Finally, he announced his intention to write an entirely new draft himself, taking into account the views of the other commissioners. Six weeks later, he had done just that.

Whether Edwin Meese realizes it or not, he owes Frederick Shauer a great deal, for Shauer has saved him from issuing a report that it would have been superfluous to ridicule. The Shauer draft, 211 pages long, immediately became the basis for the text of the report the commission

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will issue on July 3. Though the draft has its share of howlers, on the whole it is reasonable and civilized in tone. It is written in a calm, even stately style. It contains little in the way of hysteria. To the limited extent that it takes note of the views of those who disagree, it treats those views with civility. Yet it preserves the basic conclusion Meese had programmed the commission to reach.

THAT CONCLUSION, as best I can make it out through the fog of professorial qualifications and unacknowledged internal contradictions, is that pornography is "harmful," and that therefore the police powers of the state should be mobilized to suppress it. More precisely, according to the report, certain kinds of violent and "degrading" pornography seem to cause certain ill-defined varieties of "harm"—though not nearly as much harm, the report admits in two separate places, as either "weaponry magazines" that focus on "guns, martial arts, and related topics" or "slasher" movies of the *Friday the 13th* variety.

The process by which this conclusion is reached relies on a spectacularly tenuous chain of causation. For example, in certain laboratory studies, male college students were shown certain movies—exactly what movies the body of the report does not say, though it seems that in one case they included Lina Wertmuller's highly acclaimed *Swept Away*—and then were taken to mock rape trials. Afterward, they were asked to fill out questionnaires. According to the results of the questionnaires, the students who saw the movies seemed to show less sympathy for the complainants in the rape cases than did students who had not been shown the movies. From this it is concluded that pornography causes—well, maybe not sex crimes, exactly, maybe not even a disposition to "unlawful" sexual aggressiveness, but *something.* (And never mind that Edward Donnerstein, the University of Wisconsin psychologist whose findings the commission relies on, has repudiated its interpretation of his work.)

This is as intellectually rigorous as the report gets where the question of "harm" is concerned. Mostly it turns with relief to more capacious definitions. "An environment, physical, cultural, moral, or aesthetic, can be harmed," it argues, "and so can a community, organization, or group be harmed independent of identifiable harms to members of that community." Broad enough? Apparently not, for in the very next sentence we are assured that "the idea of harm is broader than that."

Another bit of slippery reasoning in the report concerns the report's division of pornography into four "classes." In this scheme, Class I, violent pornography, and Class II, "degrading"-pornography, are definitely "harmful," while Class III, nonviolent and nondegrading materials (such as depictions of ordinary vaginal intercourse), is probably harmless and Class IV, simple nudity, is definitely harmless. This definition would seem to put the vast bulk of commercially available erotica, including magazines like *Playboy* and *Penthouse*, in Classes III and IV. But in drafting this section, Shauer broadened the definition of Class II. Taking a leaf from Andrea Dworkin, the renegade feminist antipornography crusader, Shauer incorporated into the "degrading" category "material that, although not violent, depicts people, usually women, as existing solely for the sexual satisfaction of others, usually men, or that depicts people, usually women, in decidedly subordinate roles in their sexual relations with others." By this sleight of hand, Class III suddenly became "quite small in terms of currently available materials," while erotica of the *Playboy-Penthouse* variety just as suddenly became "degrading"—and therefore, in the commission's view, subject to suppression.

IF EVERYTHING had worked out according to plan, the release of the report of the Attorney General's Commission on Pornography would be the signal for a gigantic national crusade, fronted by right-thinking political leaders, against demon porn. The report is not scheduled for release until July 3, but it is already safe to predict that the crusade will fizzle. For this, thanks are owed the people of Maine.

On Tuesday, June 10, the voters of that rocky, laconic state were asked to approve or disapprove a new, four-and-a half-page statute that for ballot purposes had been boiled down to a one-liner: "Do you want to make it a crime to make, sell, give for value or otherwise promote obscene material in Maine?" The statute itself anticipated some of the Meese report's recommendations (such as heavy jail sentences for sellers of naughty magazines), and its endorsement at the polls—which would have provided the ideal fanfare for the report—was a far from unreasonable expectation. Maine is one of the more conservative states of the region, remote from the sophistications of fleshpots like Boston. The local Roman Catholic bishop campaigned for the referendum, as did a noisy and powerful movement of politically active evangelicals gathered under the banner of the Maine Christian Civic League, which has been a force in the state since it led the fight for Prohibition. The "no" forces, for their part, had the Maine Civil Liberties Union, Democratic Governor Joseph Brennan, and Maine's most famous author, Stephen King.

The turnout was the highest ever for any comparable election in Maine, and the outcome was decisive: 16,101 citizens voted "yes" and 48,976 voted "no," a margin of better than three to one against. Whatever the good people of the Granite State may think of smut, they are unambiguous in their dislike of censorship and the busybodies who promote it.

Politicians are sure to take note of this result. While true believers such as Jeremiah Denton and Pat Robertson will continue to pound the table about porn, their more opportunistic, less principled colleagues will probably ease off. As Maine goes, they will reason, so goes the nation. Posturing against porn may not yet be quite the political equivalent of herpes—it will still be required of Republicans in places where the religious right is strong—but the issue has now lost much of its punch. As for the president, he may be expected to make a Saturday morning speech in order to please his friend Meese and to placate the constit-

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uency Meese represents. But the old trouper—who has a history of tolerance for sexual unconventionality among his Hollywood chums, his staffers, and his wife's social circle, who has a daughter whose recent novel includes the normal quota of steamy sex scenes and a son working for *Playboy*, and who himself divorced one actress and then married another after remarking that he was tired of not knowing the names of the starlets he was waking up next to—will probably refrain from expending much of his popularity on an issue that was never especially congenial for him and is now a proven political loser as well.

Still, even if the report fails to touch off the hoped-for national crusade, it is bound to play an important part in a decentralized but wider effort to constrict personal liberty and freedom of expression. Most of the fuss over dirty books occurs at the local level, in small cities and towns. Typically, an ambitious or perfervid prosecutor decides that obscenity busts are the road to political advancement or social salubrity, or an ad hoc group of self-righteous citizens tries to make its own narrow preferences mandatory for a whole community, particularly for its schools, libraries, and convenience stores. When such people succeed, the result is censorship of a small but tangible kind. They will get plenty of encouragement from the Meese report.

Experience shows that these vigilante actions are almost never aimed at violent or even "hard core" pornography. The targets are usually books that treat sex realistically, or, in the case of convenience stores, popular men's magazines. And the commission has shown the way.

LAST FEBRUARY Alan Sears wrote to a number of large companies informing each of them that the commission had "received testimony alleging that your company is involved in the sale or distribution of pornography." He invited them to explain themselves, adding ominously, "Failure to respond will necessarily be accepted as an indication of no objection." Attached to the letter addressed to the Southland Corporation, which operates the 7-Eleven chain of convenience stores, was a photocopy of a page that read in part, "The general public usually associates pornography with sleazy porno bookstores and theaters. However, many of the major players in the game of pornography are well-known household names. Few people realize that 7-Eleven convenience stores are the leading retailers of porn magazines in America." There was no indication of where the page came from. (In fact, it was from the testimony of Donald Wildmon, executive director of a religious right organization called the National Federation of Decency.) A few weeks later, Southland removed *Playboy* and *Penthouse* from its stores.

No doubt the Constitution will survive. Yet the fact remains that in some areas convenience stores are the only places magazines are sold. *Playboy* and *Penthouse* publish not only erotica but also what might be called politica. Nobody buys these magazines for the articles, despite what husbands caught with them tell their wives. Still, the articles are sometimes read. *Playboy* and *Penthouse* are sources of faintly heretical ideas as well as sexy pictures. Their removal from their largest sales outlet by what amounts to government intimidation does not improve the political health of the country.

Furthermore, there's no logical reason why the commission's slippery-slope syllogism should be limited to porn. The syllogism goes like this: (*a*) stores have the right not to carry any publication they don't want to carry; (*b*) private citizens have the right to boycott or protest in front of any store that carries a publication they don't like; (*c*) government approval or encouragement of such private efforts doesn't violate the First Amendment. The issue here is a technique of suppression. Some would argue that it is freedom of political speech that is protected by the Constitution. Yet once it is established that indirect government pressure on magazine distributors is okay, there is no guarantee that such pressure won't be applied to publications that the reigning ideologues don't like for political reasons. "Private action" isn't so private when government commissions explicitly encourage it.

THE MEESE report also will encourage the kind of local crusaders for decency who are forever trying to ban supposedly dirty books from schools and libraries. One doesn't need to exaggerate the likely impact of this sort of thing to understand that it will be real enough for the schoolteachers and librarians forced to choose between their consciences and their jobs. Finally, the commission will probably succeed in its goal of encouraging local prosecutors to do their worst. Given the commission's loose definition of harmful pornography and the advent of the Rehnquist Supreme Court, their worst might ultimately turn out to be quite bad.

Despite its many assertions to the contrary, the Meese commission has simply failed to demonstrate that pornography constitutes a meaningful threat to the public interest. At a minimum, the commission is guilty of what Levine and Becker, in their dissent, call "unacceptable efforts" to "tease the current data into proof of a causal link." But even if some such showing could be made, it would not follow that freedom of speech and of the press ought therefore to be abridged. The First Amendment contains no requirement that the speech it protects be harmless. On the contrary, speech that somebody thinks is harmful is the only kind that needs protecting.

The commission's report will be widely read, because even a government book about sex is still a book about sex. And it's especially irresistible if it's as fat, as obsessed with kink, and as full of inadvertent humor as this one. A final, apposite example of the last: After a long section on the problem of "underprosecution," the commissioners conclude, "We urge that many of the specific recommendations we suggest be taken seriously."

How wonderfully lame. The logically required corollary, of course, would be this: "We urge that some of the recommendations we suggest not be taken seriously."

Though insufficiently inclusive, this seems wise. □

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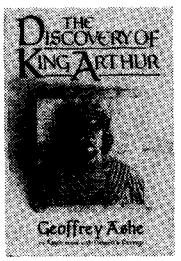

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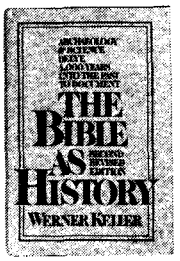

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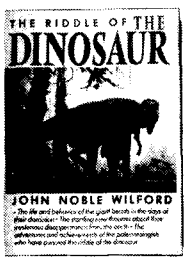

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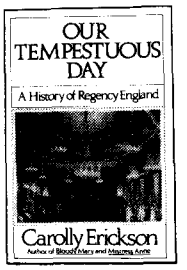

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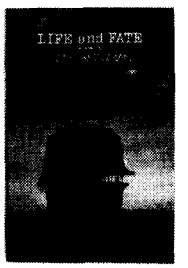

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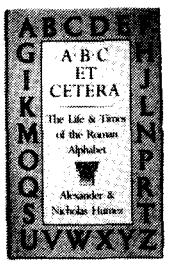

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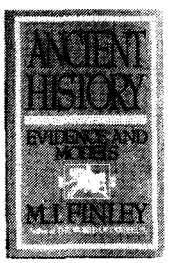

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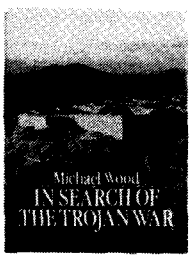

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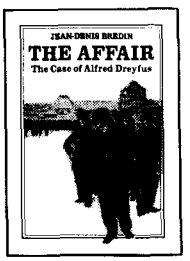

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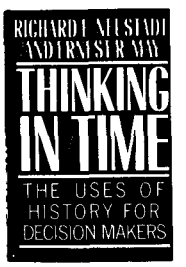

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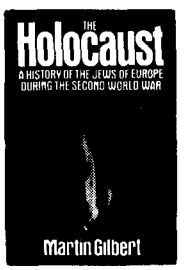

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Myths for Sale

Karl May (1974) is the second part of the "German trilogy" by Hans-Jürgen Syberberg. The first part, *Ludwig: Requiem for a Virgin King* (1972), and the third part, *Our Hitler: A Film from Germany* (1977), have already been shown here. Now the missing middle is presented by the Film Forum and Goethe House in New York, and inevitably it amplifies the intent of Syberberg's gigantic work.

Karl May
(Film Forum/Goethe House)

The title character, virtually unknown in the United States, is one of the most famous authors in Europe. His life was as extraordinary as his output and success. Karl May (1842-1912) was the son of Saxon weavers, so poor they fed their family on potato peelings. He was blind for the first four years of his life. (Both the blindness and the recovery are unexplained.) In 1856 he got a scholarship to a teacher-training school, where he did well but was expelled for theft in 1859. He managed to continue his studies, earned a teacher's certificate in 1861, taught for a while in various places, then stole a roommate's watch and went to prison for six weeks. He also served two additional terms for fraud between 1865 and 1874.

About this time, he changed; he began to write. He became a high-speed manufacturer of stories and sensational novels while he also edited magazines. His success exploded when he turned to adventure stories and began to pour out Westerns, mostly about an American Indian called Old Shatterhand, along with tales set in a languorous Middle East. He became very famous and very rich, bought an estate near Dresden that he called the Villa Shatterhand, and shortly after the turn of the century divorced his wife of some 20 years and remarried. (The film says he never left Saxony. Two encyclopedias say that, just before and after the turn of the century, he visited North Africa, the Near East, and the United States.)

A recent estimate is that 11.5 million copies of his books have been sold in Germany, and a Hungarian friend tells me that his books are still popular in her country. He has been translated into 20 languages—little, as far as I can tell, into English. His collected German edition of 74 volumes (including 33 travel volumes) was, as of 1976, not yet complete. In the years after World War II, a German film director named Alfred Vohrer specialized in adaptations of May's Westerns.

Karl May begins shortly after 1900 when, having achieved reputation and riches, having lived down the erratic episodes of his past, May became embroiled in disputes with a publisher. These led to lawsuits intended to rake up his past and to discredit him. The suits dragged on for years, but he died with his reputation restored. In 1912 he gave a lecture, his last, in Vienna, which was attended by the young Adolf Hitler, then living in a flophouse. Hitler was as impressed by the man as by the books. This fact may have been prime in Syberberg's perception that Karl May's life, compounded of fabricated mythology, personal disgrace, and dogged refusal to accept that disgrace as final, was essential to a portrait of the romantic and grimly real Germany of the last 100 years.

Cinematically, Syberberg treats this professional mythmaker in a style quite different from that of the prior and succeeding films. In the first scene, May and a friend are in a stage setting of an Oriental garden; in the last scene, May lies dead in a glassless greenhouse, his wife sitting next to him, with a wigwam behind her and snow (Syberberg's snow!) falling gently. These two scenes are almost all that relate visually to Parts One and Three of the trilogy. The rest of *Karl May* is done in realistic drawing rooms and studies, bedrooms, courtrooms, offices, kitchens, terraces, and gardens. I assume that these are not settings, that they are relics of bourgeois Wilhelmine heaviness that Syberberg hunted up for his film.

All the principal characters are middle-aged or older. All of them are played by actors who are not only splendidly right for their roles but were, apparently, chosen for what the German public knew of them. Syberberg used actors who were prominent during the Nazi regime because, I infer, he wanted to correlate the delusory mythologies that May created with the mythologies that these actors had served. Helmut Käutner, who plays May, was a director and actor under Hitler. (He continued directing after the war and also worked in Hollywood.) Kristina Söderbaum, who plays May's first wife, was launched as a star in the late 1930s by her then-husband, Veit Harlan, a preeminent Nazi director. Lil Dagover, who dates from *The Cabinet of Dr. Caligari* (1919) and who worked right through the Nazi era, plays May's second wife.

The cast, the settings, the meticulous sound track, the superb costumes (expensive fabrics for all, fur-collared dressing gowns for the men), the shrewd color photography by Dietrich Lomann that exploits the crags and particularities of the men's faces, are all very much part

FILMS WORTH SEEING

My Beautiful Laundrette. Pakistanis in London today. Tender, funny, appropriately harsh. Exceptional acting and directing compensate for some looseness. (Reviewed 4/7/86)

Signal 7. Improvised by a dozen actors under Rob Nilsson's direction. Deepens from skillful acting exercises into disturbing explorations of some San Francisco cabbies. (6/30/86)

Tea in the Harem. North African adolescents in Paris. Their troubles are internationally recognizable, but the talent of the writer-director, Mehdi Charef, is extraordinary. (6/16/86)

Vagabond. The mystery of a girl's wanderings is sealed by her accidental death. Agnès Varda wrote and directed with rigor and empathy. Sandrine Bonnaire, as the teenage vagabond, is unforgettable. (6/2/86)

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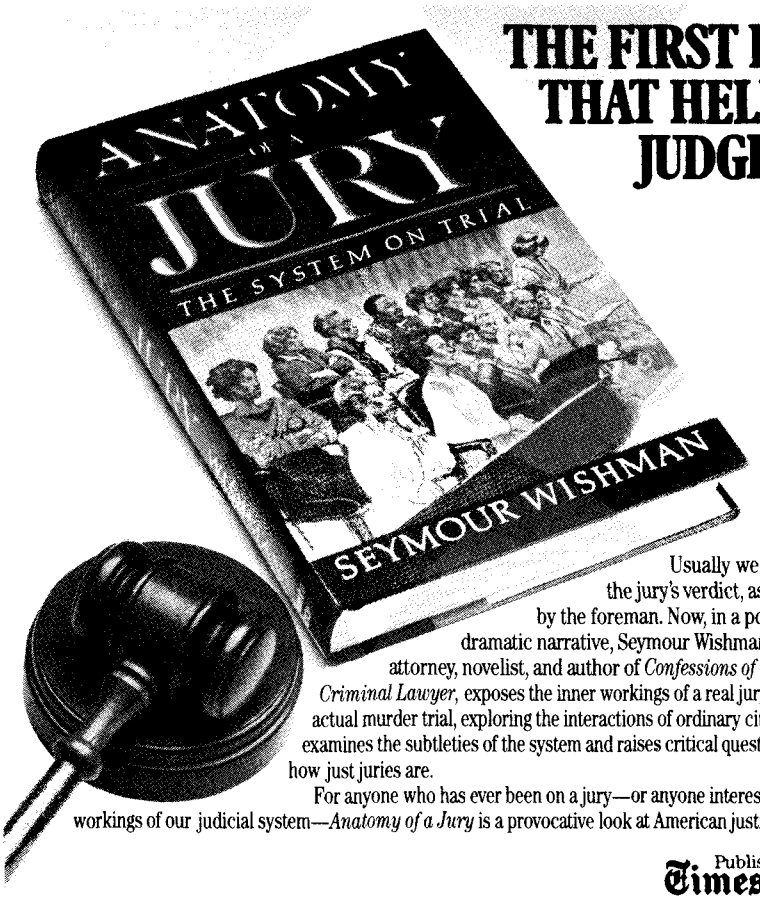
of Syberberg's theme. In its visual and aural texture, this is Germany at its apex; victor in the Franco-Prussian War, self-adjudged master of the world intellectually and culturally, possible ruler of Europe, a nation (as Nietzsche dreamed) capable of giving the West once again Dionysian spirit and Greek tragic stature. The sound of those resonant German voices, the almost overpowering articulation of those cumulative German sentences (whether or not we understand the language) enunciated like the unfurling of verbal banners, the pride even in legal formalities as still another proof of their civilization, the very intensity of the lamplight over dining-room tables, all combine to create a self-idolatrous society with, bitterly for the rest of us eventually, a good deal to be self-idolatrous about. Scene after scene, figure after figure, is like the early 20th-century photography of that cruel master August Sander, here given color, motion, sound. Syberberg's Germany believes in its rank and destiny, feeds on myths, is furious at this mundane mythologist when he is suspected of being spurious, and is happy to celebrate him when he wins his law cases because then Germans can reinstate their faith in his fake heroisms.

A familiar tag about Syberberg is that he combines Wagner and Brecht. No Wagner here; it's Mahler and Liszt. But, in architecture and ellipsis, much Brecht. The film is composed of many short scenes, each introduced by a title that foretells its content, each separated from the next by a "wipe." The effect is of a chronicle, stations on a journey. The first hour or so of the three-hour film is stubbornly slow. Then *Karl May* reveals *why* it has been slow, as the larger themes come clear. But Syberberg is always deft, scene by scene. For instance, note the scene near the end in which the ranting Hitler first appears, identified by the name on the locker door behind him, moves through the large barracks room of the flophouse still ranting about the need for will while the other men ignore or laugh at him, then comes back to the locker room, still ranting. The long arc of the camera movement inscribes theatrical gesture under his theatrical words.

The film has an added meaning, not specifically German. Karl May is one of the early figures in widely influential popular culture. Improved technology—in this case, printing—gave popular tastes, and caterers to those tastes, new force. Balances began to shift in the au-



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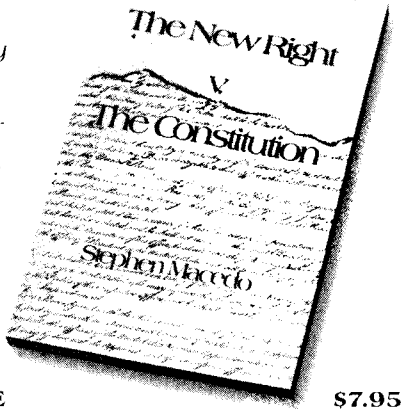

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thority of high art, in the control of private fantasy. One function of art has always been to disclose the impossible but desirable. Popular art brings the impossible nearer and makes it less strange. Karl May had something to do with the growth of pop art as facile ego gratification. He may not be well known in our country, but the quality of daydream he helped to inspire is part of the secret life at its least demanding, its most flattering.

HUMAN, ALL TOO HUMAN

All of Us Here
by Irving Feldman

(Elisabeth Sifton Books/Viking Penguin, 96 pp., $17.95, $8.95 paper)

Irving Feldman's remarkable long poem "All of Us Here" gives its title to his new book—as well as its tone and its grim, powerful, meditative program. The whole volume resounds with lamenting anger for the inanity of our culture's discourse about itself, for its incapacity to produce even the self-criticism of irony; the best our culture manages is an unwitting and ghastly travesty of seriousness at almost every level of aspiration to it. The title poem, in 20 sections, is partly chant, partly muttered contemplation of a particular emblem of the trash that accumulates when the engines of good faith in morals, religion, and art break down and there are no spare parts. The emblem in question is provided by a collection of George Segal's sculpted figures. The poet's strange relation to these objects of his meditation raises an absorbing question for what is becoming something of a familiar genre in contemporary verse.

Ecphrastic poems are those that describe or address—speak out, or speak to, or for—specific works of painting or sculpture. They have a long tradition in antiquity. Indeed, the very name suggests "speaking out" in Greek. But although Homer, Hesiod, Virgil, Dante, Ariosto, Spenser, Shakespeare, and others all have extensive ecphrastic moments in their long poems, these are all what I would call "virtual ecphrases," descriptions of notional objects (such as the shield of Achilles, or the tapestry in *The Rape of Lucrece*) that come into contingent existence only in the text. Actually ecphrastic poems come somewhat later in English (if one puts emblem verses aside, on the grounds that a conventional image, rather than a particular artist's picture, is being interpreted).

It is Dante Gabriel Rossetti who sets the modern ecphrastic tone with his sonnets on pictures that give very profound and complex readings of well-known paintings. Randall Jarrell's poem on Dürer's *The Knight, Death and the Devil* is a superb example (with Rilke in the background, I think); William Carlos Williams, James Merrill, W. D. Snodgrass, Richard Wilbur, Richard Howard, and others have all written such poems, and one comes across the almost obligatory ecphrasis in most of the more sophisticated first books of verse that have appeared during the past decade. A major poem such as John Ashbery's "Self-Portrait in a Convex Mirror" expands the genre by thrusting a larger, post-Whitmanesque creature inside it; poems like Rilke's famous lines on the archaic torso of Apollo seem to confront simultaneously the triumphant silence of the figure and the Renaissance commonplace of poetic language outwearing stone.

Feldman's contemplation of various groups of white plaster figures by the fashionable sculptor George Segal also shifts ecphrasis into another mode. I should say at the outset that the reader need not admire Segal's work, nor even know it well, to respond to the poem. Indeed, it becomes apparent very early that the poet is a far stronger interpreter than the sculptor is a maker, and that the poem regards with a peculiar horror Segal's whited sepulchers, his plaster, wrapped pseudomorphous figures—shapes without any viable sculptural form—placed in seedily literal bits of stage set. (Segal's representational mentality may be judged by the portentous emptiness that led him to propose as a memorial to the wretched innocents killed at Kent State University in 1970 a group showing the sacrifice of Isaac. The ignorance of the issues involved in the biblical story, and the sentimentality masquerading as some sort of irony, were not lost on those at the university—not philistines, but intellectuals—who turned the project down.)

The poem begins as if adopting a popular mode of inane and vulgar irony, with fragments of gallery-talk of the presumed spectators at an exhibition, implying that there will follow, as in some TV program about a major, problematic artist, a consideration of the life and work rising magisterially above a junkyard of opinions. But the junkyard is all there is. "*Who* are *all these people*?" the opening concludes, and the ecphrastic quest proceeds, as it frequently does, with a question. (Thus Keats asks of the figures on his fictive urn: "Who are these coming to the sacrifice?")

But Feldman's poems cannot proceed as others' do. Part of the problem is that he knows that the figures are themselves personifications of bad art in a corroded, iron time. He also knows that he cannot accept the very language of figuration in which they are conceived. And yet, like many found objects of modern life—such as the typographical error of "man-moth" for "mammoth" in a newspaper, which provided a bit of nonce mythology for a splendid Elizabeth Bishop poem—the Segal figures demand his meditative attention. The various poems of the series keep moving about the memory of the figures, trying them out from different poetic perspectives. The penultimate one, for example, starts out in a resonantly Audenesque way:

> *Did they love one another? Were they good?*
> So we ask about them, the old ones, the old people,
> these questions that abandoned children send
> toward the dark to follow their elusive families.

But this section ends in a kind of purgatorial realm—part Jewish Odessa, part general America.

That the putative anonymity of these blank dummies, despite their repulsive fascination, will not serve the tasks of mimesis is a central concern of the poem. We are reminded of Stevens's great distrust of statuary, his view of it as an embodiment of failed metaphor hardened into literalness because it lacks both the fictive mutability and the abstraction needed to survive. (In *Notes Toward a Supreme Fiction*, the "great statue of the

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General du Puy" suffers both from its "inhuman bronze" and from the false universality of being "general" rather than specific.) Feldman likewise sees the whitewashed dreck of the figures he contemplates as a grossly inadequate candidate for human centrality, for summing us up, for representing our democratic presences. The figures crowd around us, claiming to have meaning. And yet all they prompt are false invocations:

> . . .a green room somewhere in the wings of its heaven
> where enchanted souls in whitewash await their cues
> —the proto-Mickey, as it were, and ur-Donald—see,
> there's Hughie Human, Percy Person, Cindy Citizen
> in Santa's workshop before the color goes for good

Even to think of Stevens's trope of major or central man is, in "the paradise of white lies," to shudder. The *blanc* of these figures is what Milton, speaking of untested moral stances, called "an excremental whiteness."

Moving from stretches of savage indignation (as in "The Bystander at the Massacre") to moments of plangent lyric, Feldman's high and passionate diction often comes as close to nobility as one might dare suggest. It speaks for the double vision of disgust and sadness with which we contemplate instances of our being human, seeking to give them some sort of humanity by speaking for them:

> —Surely they are saying over and over again
> inside their black white silence *something* like this.
> But what they suffered, they also did,
> and we can't find it in our hearts to pity, or forgive.

Many of the concerns of the title poem can be found in other poems in this volume as well, particularly the phantasmagoric "The Flight from the City." Feldman is one of our very best poets, and he is certainly unique today in his access to a prophetic force. (W. S. Merwin's earlier fragments of divination come to mind, but their strong images of post-holocaust ashenness got reduced, over the decades, to clichés. It is these that probably came ready-mixed in Segal's plaster-of-glitz.) Hart Crane's prophetic voice, blending with Feldman's own, comes through in a glimpse of the New York subways in "The Flight from the City":

> All night long empty trains rushed
> in narrow corridors underground.
> Of course, the furious graffiti
> had set them going, drove them on
> —thunderous fugues of script,
> a last vandal hand's grimy shriek
> to the far termini of the City.
> At eye level, in dawn's new pearl, I saw
> across the towers' flickering imagery
> a sludge and flotsam of names was stretched . . .

To quote these lines is to show not only their pure poetic power but the way in which the echoing, almost parodic diction leads one down into the ordinary subterranean places that had once, for Crane at least, occupied a visionary depth, a touch of late-romantic sublimity. The city we flee from was not always a living ruin. Imagination once lurked, and sometimes grandly dwelled, in places crowded but yet—like the white figures of "All of Us Here"—vacant.

The fierce energy of this book affords few breathing places. One of them, a poem called "River," admittedly imprints an ancient topos on an actual stream ("Whole civilizations found their trope/in its character and progress"), and seems to tip its hat to Frost's "West-Running Brook" for a moment ("It gravitates/toward, it values, each/suddenness and resisting"), but comes back again to complete an original and ineradicable parable:

> And had it words,
> the water would say it is joy
> to know the grain by grain
> of its ground and, knowing it,
> to be beginning
> afresh.

There are other fine poems in this book, such as the marvelous "Our Father" and "The Judgment of Diana." And the remarkable central poem remains a major accomplishment, breathing the life of seriousness into the inert clay of bad art, and brooding continuously over fables framed by its very act of attention. It is Feldman's finest work to date, the consequence, in its changing and allusive cadences, of an accomplished ear—the movement toward and away from various modes of five-stressed lines, for example. A brief review can only begin to acknowledge its range and variety, and the strength of its own self-scrutiny: when avowing, like most ecphrasis, the puzzling relation of language to visual image, it nevertheless confirms the authenticity of just that relation. As of the

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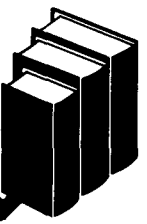

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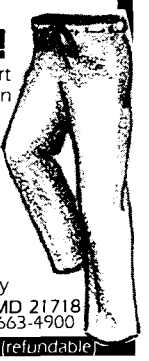

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sculpture the poem will outlive, so of all that our interpretive lives must cope with:

> Their lumpish solitude admonishes our limber
> volubility, from moment to moment makes
> halt crimped stuttering abashed old moody poor
> the smooth lavishings and lappings of our beings,
> which, like water, would caress equally everywhere.

JOHN HOLLANDER

John Hollander is A. Bartlett Giamatti professor of English at Yale University.

TERMINAL PARANOIA

The Cult of Information: The Folklore of Computers and the True Art of Thinking by Theodore Roszak

(Pantheon, 238 pp., $17.95)

Theodore Roszak has written a whole book to present a concept most people intuitively understand. His message in *The Cult of Information* is that computers aren't the same as people, and never will be. As he puts it in his introduction, "The burden of my argument is to insist that there is a vital distinction between what machines do when they process information and what minds do when they think." If you grant that assumption, you've already grasped the essentials of the book. If you don't, you're probably one of the handful of computer zealots whom Roszak quotes in order to build up a case he can knock down.

I feel heartless in criticizing this book, since its central proposition is so obviously true. Computers are not like living brains, either in their underlying design or in their practical applications. Computers are better than people at storing and rapidly manipulating objective data, and worse at almost anything else. The potential of computers has been oversold, both by John Naisbitt-type seers, who imply that half the work force will soon be batting out programs for small software firms, and by advertisers who try to convince parents that if their children don't learn PASCAL right away they'll never make Law Review. Centralized data banks are easily subject to abuse. Especially in the military, people get used to working problems out within the neat, orderly bounds of computerized simulations, and forget all the things that can go wrong in the real world.

These reasonable points, and others, Roszak clearly explains—while reminding us that computers have their modest, valuable place as productive tools. After all, he tells us, he wrote the book on a computer, and relied on over-the-wire data banks for much of his research.

But the problem with obvious truths is that they are, well, obvious. So, to add a note of drama to his discussion, Roszak tries to imply that most of the world disagrees with what he has to say. Children are starting to think they are stupid, he says, because computers are so smart. People have forgotten the difference between "information" as it applies in the computer world and the nuanced, subjective concepts that shape social life. A vast marketing effort is convincing us to buy machines that we don't really need and that subtly terrorize us in the bargain. In coming to see ourselves as merely slow-speed versions of the all-powerful computer, we are neglecting what makes us human, "the mind's astonishing capacity to create beyond what it intends, beyond what it can foresee." Our very control over our destiny is in question:

> If educators are also finally swept into the [computer] cult, we may see the rising generation of students seriously hampered in its capacity to think through the social and ethical questions that confront us as we pass through the latest stage of the ongoing industrial revolution.

Some of these warnings may be worth thinking about, and I suppose it's useful to have a book that collects them all. But Roszak is so relentless in belaboring and at times overselling his case that I found myself continually responding, Yes, but . . .

For example, Roszak (best known as a cultural critic, for his book *The Making of a Counter-Culture*) spends a lot of time on the changing connotations of the word "information." The more we talk about the "Information Revolution," he says, the more we delude ourselves about how we think. Information, in the sense of raw evidence, has never been as important as the "master ideas" with which we organize information and experience. In fact, Roszak says, information by itself is meaningless. How can you "prove," with facts and figures, the truth of a "master idea" such as "All men are created equal"? Even a noxious master idea, like the one in *Mein Kampf*, lies outside the realm of factual verification. Therefore, in teaching the young we should make sure they learn how to recognize ideas and assess their subjective value, not simply weigh the evidence that can be heaped up on each side. Their ability to do so, Roszak says, is deadened by constant references to "information processing" and the new "information age."

Roszak is certainly right to emphasize values, and also right to point out that "information" has a limited, precise, amoral meaning in computer science. There it applies to the bits of objective, 0-or-1 data that computers process. But does that mean, as he claims, that it has become a "godword," dulling us to moral choices and becoming the "perfect starting point for a technocratic political agenda that wants as little exposure to its objectives as possible"? Does anyone really confuse the "information" contained in a computer's memory with broader kinds of experience and knowledge? Does anyone confuse this kind of "memory" with the real thing?

"PRODUCTION" is, in principle, also quite a value-laden term. (Have you spent your time productively?) Is it so harmful or misleading when industrialists use it to refer to what factories turn out? "Wealth," "goods," "service"—these all mean different things to economists than to philosophers. Optometrists say "vision" and mean something different from what politicians do. Is anyone perplexed? And, like these other terms, the phrase "information society," if inelegant, has a real meaning. It implies a manufacturing system that relies more heavily on automated control than on human labor, and therefore leaves more of the work force with non-manufacturing jobs. Roszak may think

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this is the wrong path for America, but semantics has nothing to do with it.

Another example of overselling the problem: Roszak says that computers hinder true education because they make life seem too neat and predictable. A computer simulation of Mendel's experiments in genetics will make everything turn out just as it's supposed to; the dominant traits in fruit flies or sweet peas will always prevail. Students won't come to see the fuzziness of real scientific inquiry—the flies that escape, the peas that won't sprout, the phenotypes that can't be clearly classified. In principle, Roszak is right. But how much worse is this, really, than the way most students are now taught? If today's high schools are anything like the one I attended, the computer simulations would supplant not full-blown genetics experiments but a few pages in the textbook, where the results are just as predictable and the presentation is more boring. Would it be better if all students bred their own fruit flies? Of course, but even in the golden pre-information age most of them didn't.

In almost every chapter, Roszak weakens a basically plausible case with overstated reasoning underleavened by common sense. Computers can isolate people, leading to electronic colleges in which everyone "telecommutes" from his own room. Sure—but does it actually happen this way? In my experience, computers generate at least as much face-to-face contact as they replace, since (like the telephone) they supplement the timeless human desire to be in touch with others. Computerized polling systems can debase politics. But it is ridiculous to say, "There exists a pollster, Richard Wirthlin, who succeeded in making Ronald Reagan president. Any technique that can make a winner out of such unlikely material is bound to look impressive to the rest of the field." I seem to recall that Walter Mondale also had a pollster, and George McGovern too.

Learning computer-style "procedural thinking," as in the popular language called Logo, "does not allow the artistic imagination to romp," according to Roszak. So what? Learning Latin didn't improve my free-throw shooting, but still it had its uses. If a computer program were asked to define a "horse," it would respond with an updated, animated version of Mr. Gradgrind's answer in *Hard Times*—"Quadruped. Graminivorous. Forty teeth," etc. Roszak reminds us that this "purely statistical quadruped would still have been no living creature." Once again, so what? How much more lively is the "horse" to be found in any dictionary?

BECAUSE Roszak has so resolutely cast himself as the beleaguered humanist, defending classical standards in an unfeeling modern age, the many small, careless patches in the book are especially annoying. Most computer animation is so shoddy that it "does not even come up to a mediocre Walt Disney level of cartooning." But isn't the Disney studios' classic work—*Pinocchio*, *Snow White*—taken as the highest standard of cartooning, not as mediocrity? John F. Kennedy prevailed in 1960 because he "seemed to have a computerized brain," and now Ronald Reagan is still at it, "his arguments brimmed with figures." But in 1960, it was Nixon who had the facts and figures; Kennedy had something else. And the connection between Ronald Reagan's appeal and statistics is accidental at best. Roszak says that "as early as January, 1982," military experts were questioning the assumptions behind Reagan's "window of vulnerability" claim. In fact, such claims have been debated since virtually the first moment they were promoted, notably by the Committee on the Present Danger in the 1970s. Conservative politicians "like [Newt] Gingrich and [Jack] Kemp" mindlessly support more military spending, while preaching economy elsewhere. Gingrich has his blemishes, but in the early 1980s he distinguished himself from other conservatives precisely by calling himself a "cheap hawk" and talking about defense reform.

In two other important areas Roszak does not satisfactorily bear his burden of proof. The first involves showing that many people stand in need of his warnings because they believe that computers are about to supplant the human brain. Yes, Roszak offers a number of crazy-sounding quotations, like the following from Marvin Minsky of MIT: "I think we'll be able to program emotions into a machine once we can do thoughts. . . . I'm sure that once . . . we've decided which emotions we want in a machine, that it won't be hard to do. . . . I think what we have learned is that we are probably computers." But the quotations come from a small group of the usual suspects (including—beware!—Robert Jastrow, one of the leading supporters of Star Wars) and could have been left to fall of their own weight.

Near the end of the book, Roszak says in summary that the "cult of information" is based on "a powerfully rationalized philosophical assumption that has gained a great deal of public acceptance and is gaining more as it penetrates our schools and universities: namely, that the human mind in all its aspects can be fully and accurately described by the information processing model." Do you know anyone who actually "accepts" this idea? In my own interviews with computer scientists in the United States and Japan I have found few takers.

Next, there is Roszak's discussion of economic pressure. The "information age" would not be so powerful a concept, he says, were it not for all the businesses that hope to profit from it. Mainframe companies want to sell to the Pentagon, microcomputer companies want to sell to the schools, and all of

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"THE REAGAN DOCTRINE is indeed a new thing: containment practiced by tenacious anti-Communists. The operative word is tenacious. The original theorists of containment were anti-Communists, but they were also meliorists. George Kennan, at the time of his Mr. X article, looked forward to the day, not far distant, when the Soviets would become 'bored' with the practices of the police state. In the event, it was the containers who became bored."
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them want to convince us we can't do without their products. In general, again, Roszak is obviously right—but he seems to think we're all so credulous that we'll keep on buying machines we don't need, out of conformity or fear. Doesn't the collapse of the home-computer market, and the leveling off of office-computer sales, suggest a different conclusion? Accountants, writers, financiers can benefit from computers, and will buy them; others feel no need.

It is because people still have the traits Roszak values that they don't need his warning as much as he fears.

JAMES FALLOWS

James Fallows, Washington editor of the *Atlantic*, is now living in Japan.

THE RED AND THE BLACK

How Real Is the Federal Deficit? by Robert Eisner

(The Free Press, 240 pp., $17.95)

It's hard to recall a time when there was so little general agreement about the economy and the deficit. Optimists point to lower interest rates, cheaper oil, and a dollar that continues to drift down against the other major currencies. Pessimists point to a trade deficit that remains stuck at record levels and interest rates that may have bottomed out in the face of the Federal Reserve's continuing fears about future inflation. Optimists brandish public and private forecasts showing strong economic growth for three to four years to come. Pessimists insist that a new recession is lurking in the shadows, waiting for the economy to make any one of a hundred possible missteps. Optimists cite the most recent forecasts of the Congressional Budget Office, which show the deficit declining by fiscal year 1991 to just 1.7 percent of GNP, well below the five percent of GNP it has averaged over the past four years. Pessimists counter by noting that if growth is only slightly weaker than CBO's forecasts assume, or if interest rates are only slightly higher, the deficit will remain close to its current level.

What should we make of all this? Is the federal deficit really "melting away"? Or is it still stuck fast at five percent of GNP? As always, it pays to begin at the beginning.

For the past four years, federal spending has averaged roughly 24 percent of GNP, or about four percentage points more than the averages of the two previous decades. At the same time, federal revenues have averaged roughly 18.5 percent of GNP, a little below historical averages. That's why we have a deficit. There has been an enormous surge in spending, to pay for the mounting cost of mandatory entitlements and the Reagan administration's military buildup, without a concomitant increase in revenues.

The supply-side cuts of 1981 were supposed to generate a higher level of revenues: the so-called "feedback" effect. They didn't. We can debate endlessly whether in principle these rate cuts might have paid for themselves. (If Jack Kemp runs for president, we may have to.) But it is really a moot point. Early on, in an effort to broaden congressional support for their economic program, administration officials embraced a program of additional business tax cuts, which raised the total cost of the original Reagan tax program by nearly half. Then, not to be outdone, congressional Democrats tacked on still more tax cuts totaling $468 billion. As a result, a tax program that might have been marginally affordable ($983 billion over the years 1982-90), had the administration held to its pre-inaugural projections of the cost of the military buildup, became quite unaffordable ($1.85 trillion).

Over the next few years, Congress, aided and abetted by a repentant David Stockman, managed to force the enactment of several new tax bills, gracefully styled "revenue enhancements," all of which raised significant amounts of new revenue. That's why federal revenues are still at their historical averages as a share of GNP. Had these tax bills not been enacted, federal revenues would now be below 17 percent of GNP, making the deficit much larger, and the task of balancing the budget vastly more difficult. (One percent of GNP now equals a bit more than $40 billion.)

Occasionally, one hears the few remaining supply-siders say that the deficit would have "taken care of itself" by now had Congress not enacted those post-1981 tax bills. It is hard to imagine what they mean by this. The tax increases of the past few years have gradually peeled away many of the non-supply-side portions of the 1981 tax act—parts that were promoted by the capital formation lobby and parts that were added during the infamous bidding war that overcame the House Ways and Means Committee. (Much of this fiscal detritus remains, notably accelerated depreciation.) But the basic supply-side tax program—the 25 percent reduction in marginal tax rates—is still intact.

Ever since the deficits first skyrocketed during the 1981-82 recession, the president's position has been that, given an accommodative monetary policy, the deficits would melt away as the economy grew stronger. Major tax increases, such as those advocated by Walter Mondale in 1984, would be unnecessary, even counterproductive.

As recently as this past winter, such optimism seemed clearly misplaced. Annual deficits had reached the $200 billion mark, raising fears that if a new recession hit, the traditional remedies of tax cuts and countercyclical spending could easily push the annual deficit to $350 billion. And that, it was thought, would cause interest payments on the federal debt to grow more rapidly than GNP, expanding the deficit even more. (Yes, it is a bit like the China syndrome.) With the federal debt doubling every five years or so, the portion of the budget that simply serviced the debt could easily grow so large that only one of two things could happen. Either the non-interest portions of the budget (including defense spending and entitlements) would be intolerably squeezed, or the Federal Reserve would be forced to monetize the debt, thereby reigniting inflation. Grim prospects, both of them.

Today, the fiscal picture looks dramatically different. Interest rates and oil prices are sharply lower. Inflation remains in check. Most important of all, military spending has been cut back and stabilized after several years of impres-

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sive growth. As a result, the baseline budget deficit for fiscal year 1991 is now projected by the CBO at just 1.7 percent of GNP—or roughly what it has averaged for the past 25 years. This assumes steady economic growth of about 3.5 percent per year, no further real increases in military spending, additional declines in interest rates, and no significant new spending programs. Optimistic assumptions, perhaps, but not unreasonable ones.

AS ALWAYS, any number of things could happen to frustrate the current forecasts—higher oil prices, a new trade war, even a Third World financial collapse. If Congress sticks to the Gramm-Rudman-Hollings targets, the deficit will decline over the next fiscal year by about 1.5 percent of GNP. In the short run, that's bad for growth, since it dampens aggregate demand (just as big increases in the deficit tend to stimulate it). Paul Volcker will have to walk a fine line between his legitimate concerns with resurgent inflation and the danger of a new recession. And then there is the almost certain prospect of major tax reform. In the short run, this too will be bad for growth, since investors will tend to sit on their hands until they are able to calculate the impact of reform on the profitability of investment in different types of assets and projects.

Still, barring some unforeseeable shock to the economy, it now appears entirely possible, even likely, that Ronald Reagan will bequeath to his successor both a strong economy and a reasonably solvent federal government. An impressive feat, given how few presidents have pulled it off. The president may still be short a pony, but he'll be less deeply mired in the manure than one might have thought possible.

It won't, of course, be quite the same government he inherited. For example, let's assume that CBO's current baseline projections for fiscal year 1989 are achieved. Military spending will amount to six percent of GNP—slightly above Carter-era levels but significantly below the 6.9 percent average of the period 1962-85. Spending for mandatory entitlement programs, on the other hand, will equal 10.3 percent of GNP, compared to an average of just 8.5 percent over the same period. Put somewhat differently, it is not altogether impossible that Ronald Reagan will leave behind a federal budget that consists, at least in its broad outlines, more of butter and less of guns than most of the budgets of the past 25 years. Those guns may work better or worse than those procured through previous budgets, and the butter may be distributed more or less equitably. But that is a separate matter.

All this means several things. First, the professional Cassandras were almost certainly wrong. There is every indication that it will be possible to bring down the deficit without a major disruption in American life. Second, no new form of taxation, such as a value-added tax, will be needed to balance federal accounts—at least in the short run. Third, no new limits on mandatory entitlements are immediately necessary. Fourth, even military spending can be affordably maintained at its current, post-buildup level. And fifth, a few additional cuts, in real terms, may be needed in nondefense discretionary spending if entitlements are to continue to grow at their projected rate, but nothing on the scale of the early Reagan years.

This is not to say that the current deficit isn't a problem, or that Congress can afford to "give up" on the politically painful process of keeping spending under control. Nor is it to say that the deficits of the past few years have been costless. (Real interest rates are higher than they would otherwise be, and so is the trade deficit.) But it does mean that the most pressing dangers of large persistent budget deficits are now likely to be avoided.

ROBERT EISNER, an economist at Northwestern University, has written several articles over the past few years in which he has argued that federal deficits have been systematically mismeasured—largely because economists have not understood the effect of inflation on the value of the national debt. He suggests that when inflation erodes the real market value of the outstanding debt more rapidly than new nominal deficits add to it, the federal budget is, in some "real" sense, in surplus. Because policymakers are trained to look only at the nominal figures, they tend to adopt policies that are entirely inappropriate.

Eisner's new book uses this insight as the basis for a mildly revisionist economic history of the past decade. Though the news comes a little late, Jimmy Carter will surely be glad to know that far from adding $153 billion to the national debt (the cumulative nominal deficits of the Carter years), his administration actually ran a four-year "real" surplus of $72 billion. Had the Carter folks realized this, says Eisner, they would obviously have pursued different macroeconomic policies.

The problem is that Eisner assumes away the unpleasant realities of politics, and forgets how punch-drunk Carter policymakers were by late 1979. No new statistical perspective on the "real" deficit would have been of much help to a gang that was churning out "a new economic policy" every three or four months. By late 1979, Carter was hardly in a position to persuade the American people that deficits which then seemed horrendous were "really" surpluses. To do so, Carter would have had to argue that the way to get the economy going again was to run even larger deficits, and to forgo, at least for the time being, any serious effort to control inflation. That might not have gotten him impeached, but it would certainly have ensured an even greater Reagan victory. This is not a quarrel with Eisner's central argument about the impact of inflation on the economics of the deficit, which is admirably put, but rather with his schoolmarmish way of replaying the economic controversies of the past decade with the politics of the moment conveniently excised.

Eisner's penchant for taking the politics out of economics also makes him a fervent proponent of "a national capital budget." The idea here is that the government should keep its books as private businesses do. Outlays for capital expenditures, such as roads and buildings, would be distinguished from current expenditures. In theory, there's nothing wrong with this. The difficulty lies in deciding what categories of federal spending would be considered "investments." The authors of the current budget suggest that any outlay that yields long-term benefits is properly considered an investment. But this is hopelessly broad. One can hardly object to construction and equipment outlays being described as investments, or research and development spending, or inventory accumulation. But should all money spent on education and training be considered investment? The same goes for intergovernmental transfers, even though state and local governments may use a portion of this money for public works. The concept of public investment is not only inherently messy, it is also prone to rather spectacular forms of abuse. The 1984 Democratic platform, for example, called for "in-

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vesting" more money in "the arts"!

And that's the real problem. Over the course of the Reagan years, Democratic wordsmiths have learned to call just about every favored form of domestic spending "an investment." (Defense outlays are invariably called "military spending.") Perhaps this is merely a rhetorical hangover from the capital formation debates of the late 1970s. And certainly there is something in Eisner's assertion that a country's human and physical capital is what it bequeaths to the future. But do we really want to let Congress spend what it will outside the nominal limits of the annual budget on whatever a current majority decides to call "an investment"? This is not democracy in action so much as a recipe for federal spending on a much grander scale. Is it the prospect of more rational accounting practices that has made Tip O'Neill one of the most visible proponents of a national capital budget? It doesn't seem likely.

THE ESSENCE of "capital budgeting," strictly understood, is to make obvious those costs that are usually hidden in the nominal appropriation figures (such as the costs of properly maintaining a new highway) and to provide a forum for setting explicit spending priorities (such as how much to spend on decaying bridges in the Northeast versus on new water supply systems in the Southwest). It is a way of making hard choices about limited resources. But ask yourself: Would Congress use it that way? Would the Clinch River breeder reactor have been built if we had a real national capital budget? What about the Tennessee-Tombigbee waterway? In each case, the answer is, of course.

Depending on how broadly one chose to define "investment," a national capital budget would reduce the nominal deficit figures by anywhere from a third to a half. That's the real basis of its appeal. Once these items are moved off-budget, they'll inevitably be subject to less scrutiny. Since pork barrels, like nature, abhor a vacuum, total spending will increase dramatically. That's why politicians like the idea, and why the green eyeshade types at the Office of Management and Budget have always fought it. In fact, it was only when Stockman realized that a capital budget would reduce the political damage of the Reagan-Stockman deficits that OMB reversed course and joined the capital budget bandwagon.

Very soon now, the United States is going to have to decide whether it wants a federal government that consumes significantly more than 20 percent of the GNP. If Congress, and particularly the Senate, sticks to its guns, we can almost certainly eliminate what is dangerous in the deficit over the next few years. It won't happen automatically, but it won't be all that difficult either. Today, the real story is less the deficit as such than the continuing pressures for additional federal spending, all of which we seem to want, and none of which we seem ready to pay for.

Unless mandatory entitlements, such as Social Security, Medicare, and military pensions, are restricted more generally to people in need, the federal government's share of GNP will inevitably grow larger. Not right away, but soon. And not just a little larger, but a lot. It's the natural logic of the welfare state. It only gets bigger, and it never stops growing. For all the talk about this being the Age of the Entrepreneur, Americans increasingly look to the national government to ameliorate more and more of the risks of everyday life. We want to be socially insured against more and more hazards. We demand more and more "social rights." If the government can afford programs that pay pensions to the widows of Civil War veterans 121 years after Appomattox, what about us? Where's mine?

If things keep on like this, it is not difficult to imagine a federal budget 20 years hence that is balanced by revenues amounting to 35 percent of GNP. But a government that claims by right such a large portion of the national wealth will inevitably be a very different government, and a vastly more powerful one. The character of the national government, the way we view it, and, not incidentally, the way government officials view themselves, will change. Perhaps we want that. But we should try to think about it in a context that goes beyond our own individual efforts to hop aboard the Great Gravy Train. And that's something that neither Republicans nor Democrats seem able to do.

MICHAEL BARKER

Michael Barker is editor of *Politics & Markets*, a monthly newsletter published by the Gallatin Institute of Washington.

THE HISTORIAN AND THE CRITIC

Patterns of Intention: On the Historical Explanation of Pictures by Michael Baxandall

(Yale University Press, 147 pp., 66 illustrations, $18.95)

Whether it is called art history or the history of art, the name is somewhat of a misnomer for the study of art. We don't refer to the entire study of literature as literary history, because we assume a critical component necessitated as much by the nature of the texts we read as by the nature of the activity of reading itself. The name would not matter if art historians themselves were not into the professional habit of exclusion. Like other institutionalized disciplines, they define their field by distinguishing what it includes from what it does not: generally speaking, criticism (and here one sees what's in the disciplinary name) is considered not to be a part of the study of the history of art.

Criticism may be well and good for those writing on the contemporary art scene, but that is only because they are too close to the material to do a proper art-historical job. Allied with the exclusion of criticism has been the suspicion of theory—even low-level theory that attends to the nature of what one is about. This is particularly noticeable in studies of historic art. In normal art-historical practice in America, neither the basis of the study nor the nature of attention to the objects has been put under much pressure. Both are quite simply assumed to take care of themselves in any consideration of the particular historical material.

Michael Baxandall's new book is an

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exemplary inquiry into how one might give a critical account of four individual works—Benjamin Baker's Forth Bridge, Picasso's *Portrait of Kahnweiler*, Chardin's *A Lady Taking Tea*, and Piero della Francesca's *Baptism of Christ*. I say "inquiry into how" advisedly, for the book is more taken up with the nature of doing criticism (one of the several possible meanings of the book's title) than it is engaged in the practice. While many literary critics today cannot "do" criticism without engaging an appropriate body of theory, it is characteristic that some of the best critics writing on historic art—Leo Steinberg, for example, or Lawrence Gowing—have made little attempt to explain how they have come to do what they are doing with words on pictures. It is notable that Steinberg has done more of this when he writes on contemporary art. And indeed those American art historians who have taken critical theory seriously, such as Michael Fried and Rosalind Krauss, have done so largely out of an interest in and familiarity with the art of our age. One feels a certain impatience with Baxandall's reluctance to write more extensively about the works themselves, but it is his attentiveness to the problem of what one is doing when one matches words to historic pictures that makes this book unusual in the current literature on art.

THIS PARTICULAR alternative to "art history as usual" comes as somewhat of a surprise from this author. Baxandall has written some of the most interesting books on art history to have been published in our time. But his *Painting and Experience in 15th-Century Italy* and *The Limewood Sculptors of Renaissance Germany* were remarkable precisely for their contextual inventiveness and tact. His description of art as part of a visual culture, and his ability to locate that in a dense social, intellectual, and material context, was taken as an encouragement to the pursuit of history in art history. It gave painting and sculpture a quite new kind of cultural presence for historians, literary scholars, and general readers as well. In *Patterns of Intention*, however, context is included only in a manner that is relevant to the initial question of cause as Baxandall frames it, and to the notion of intention that constitutes his answer:

> If we offer a statement about the causes of a picture, what is the nature and basis of the statement? . . . When we speak of the intention of a picture we are not narrating mental events but describing the picture's relation to circumstances on the assumption that its maker acted intentionally.

Part of the interest of the book is to see the way possible questions or factors that might be of interest in a more conventional and contextual book are raised but not pursued, because they are judged to have little or no *critical* yield in a particular case. Piero's ownership of agricultural land such as we see in the background of his *Baptism*, for example, is not discussed, while the way in which that land is represented in a pattern related to that of the foreground plants so as to "soften the violence of the spatial distancing" is. There is a hint of Roger Fry in the claim that "behind a superior painting one supposes a superior organization—perceptual, emotional, constructive." But the historical placing of such pictorial intelligence, as in his "iconographically minimalist" account of Piero's *Baptism*, is distinctive.

A gauntlet has effectively been dropped before those concerned with the social circumstances of art to consider the precise visual yield, the relevance to an inferential criticism, of their practice. The point is not to question the validity of such studies but to put them in their place, or rather to mark off an aspect of a work and the job of critical explanation from them. It is for this reason that Baxandall introduces the term "troc"—loosely meaning barter or exchange—as an alternative to the economic term "market" in his discussion of Picasso's production of his works in 1907-10. How does one mark for consideration the diffuse exchange between a painter and a culture in which satisfaction is marked in terms other than those of money or the exchange of real goods—in intellectual nurture, in friendship, in the profitable and pleasurable experience of pictures, or in a painter's sense of his place within the history of painting? Rather than assimilating aesthetic and other interests to economic ones, or vice versa, as is the practice in some powerful and interesting studies of the arts today, Baxandall opts to distinguish the two, and to consider each before he considers precisely the kind of bridge between them that he might want to build.

THERE IS far from any clear consensus as to how or even why one might write criticism about pictures. The problem is partly a cultural one. There is no tradition of commentary on images comparable in depth and persistence to the ongoing interpretation of culturally central texts such as the Bible, Virgil, or Shakespeare. Historically there has been no agreed upon occasion or format for writing on pictures. When Vasari wrote his *Lives of the Painters* in the 16th century, the interpretation of texts was a fundamental part of education. Commentaries characteristically surrounded the text, and sometimes even dwarfed it, in Renaissance printed books. While the textual commentator has long assumed that the text is to hand, it was not until the late 18th century, as Baxandall points out, that someone writing about painting could assume that his reader would have the image under discussion reproduced before his eyes.

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HEROINES

Medea:

It is a familiar story:
she did it for love, she did it
to live with her husband

and her sons, blameless.
She must be blameless.
Perhaps it was something in her blood:

what else could we expect
from the niece of a sorceress:
the murder of a child,

her brother, her very blood, left
not as a way back but as a wall
separating her from home.

She knew about endless youth,
this killer, this goddess, and we
hope to learn her secrets,

her descendants, her followers
who worship her, who would do
anything for love—like her.

Judith:

I would have to read that story again
to know why she pulled her knife so calmly
across the throat of Holofernes.

One moment she seemed to caress his hair
as a mother might, smoothing the curls,
arranging the loose strands.

And then she drew out her long knife:
it always has a jeweled handle, that knife,
but it is the blade that glints so brightly

in the slant of light from an unseen source.
On her lap, comforted, Holofernes
enjoys the scent of her velvet skirt.

He listens to the murmur of her pearls
as she bends so lovingly over him.
He feels perhaps the cold at his throat,

or perhaps only the heat of pain.
Does he accuse her in the last seconds,
or is it so sudden there is no thought?

And Judith—does she think about the blood
staining her dress, or is it just the knife
she thinks about, admiring how it gleams?

He stretches out his arms, then he stops.
Her maid waits in the shadowy background
holding a clean white cloth.

LORRAINE KARAFEL

The occasion and the format for writing on pictures has been reinvented over and over again. It has often been done on the model of textual interpretation: painters, in this view, are in a sense writers who can paint. The writer on painting, then, takes up the familiar interpretive task. The most commanding definition of meaning in the visual arts in this century—iconography according to Panofsky—has a textual base, grounded as it is in the notion of an image as part of a system of signs signifying a text that they do not offer to view. And just now there is a renewed attempt, by Norman Bryson and others, to apply the newest semiotic models to the interpretation of pictures. (Painting, of course, is not the only human phenomenon that has been understood on the model of the text: anthropologists have considered social action as a text.)

But is there really no difference between an image and a text, such that one's attention to it, and hence one's account of it, would be different? Baxandall's answer is, clearly, yes. I suspect that it is partly to mark the difference between pictures and texts that he turns from literary hermeneutics to the practice of historical explanation. And it is also in order to mark this difference that his stated interest is not in meanings but in causes, not in the interpretation of pictures but in what he terms their explanation.

Intention is clearly not in fashion; it has rather a bad press. The fashion set by textual studies in recent times has been to make meaning the creation of the reader, not the writer, of a text. And intention is also avoided in the newest work (I am thinking of some recent historical studies of publication practices and copyright laws) that considers the text as an artifact whose possession and use by reader or writer is a socially determined affair. But Baxandall sidesteps the question of meaning as intentionalists have characteristically pursued it. Instead he invokes the concerns and practice of the historian. Like the historian, Baxandall asks us to consider works of art as products of human activity. On this account art historians study documents as deposits of human actions, in contrast to historians who are interested in the purposeful actions that are documented. The distinction is convincing and useful, though it is becoming rather blurred in current historical practice. Historians like Emmanuel Le Roy Ladurie, Carlo Ginzburg, and Natalie Zemon Davis are discovering the archives to be full of documentary deposits of human actions deemed worthy of study in and for themselves, rather than as the documentation of purposeful actions. Perhaps they must face anew, as Baxandall has, the nature of attention appropriate to the materials at hand.

BY beginning with Benjamin Baker's bridge, Baxandall directs our attention from the start to an historical object. The detailed narrative account that we are given of the building of a bridge is concerned less to pose the familiar question of the differences or similarities between the value and interest of the two objects—bridge and picture—than to call attention to the common problems that make up the process of a civil engineer creating a bridge or a painter making a painting. It is easier to ascertain the problem (the Charge) and the specific elements that go into its solution (the Brief) in the case of the bridge than of the painting. The text (and illustrations) builds up a fascinating account of the design and building of the bridge. Unexpectedly, this is used to expand one's sense of the kind and the complexity of elements that go into Picasso's making a cubist painting.

The criticism practiced in this book is not only intentional, it is also historical in the simple sense that it deals with time past. In the Piero chapter a discussion of the functions of old words contrasts their "marvelous hard alienness" with the false familiarity that old pictures can come to have. The point is cleverly demonstrated by prefacing a "plain reading" of Piero's *Baptism* with the relevant text from Matthew printed in the alien orthography of Tyndale's 16th-century translation.

There is an inherent conservatism in this. Historians often tell us that we have to understand how different it all was back then. "Quattrocento intentions

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happened in Quattrocento terms," Baxandall wrote in an earlier book. This legitimate point about the distance—and hence the difference—of the past is all too often coupled, however, with an authoritative claim about the objective truth that is the aim of historical knowledge. We are assured that once historical difference is acknowledged, the historian has the power to tell it as it was. Although his bias is historical, Baxandall offers no comfort to this view of history. He is not one of those historians who seem to believe that thinking, the play of modern minds on the material of the past, is in itself anachronistic. It is not to Piero we are explaining Piero, he argues; the explanation must be to ourselves.

This cautionary note is not couched in the usual terms. It does not call attention to the modern historian's failure to admit his own point of view, or the ideology of his age. It appeals instead to explanation itself, and by extension to the words in which the historical critic must traffic. Unlike the artist whose works they consider, critics are stuck with words. It is useful to remember that Baxandall's first book, *Giotto and the Orators*, brought language to the fore by attributing the discovery of the notion of pictorial composition in the early Renaissance to Alberti's application of a model of organization borrowed from humanist rhetoric. But the point here is that words are at least twice removed from the objects to which they refer. For it is the peculiar difficulty of writing about historic pictures that one is not only applying present words to past objects, but that the objects themselves do not (as does a text) share the verbal medium.

THIS IS not often considered to be a problem. Quite to the contrary, one could argue that one of the liveliest (and incidentally one of the most verbose) traditions of writing about painting in Europe—Diderot and the French who follow him—revels in the silence of nonverbal pictures. In such writings pleasure taken in silent paintings becomes the occasion for taking pleasure in the spoken and written word. And to this day we find writers clustering their words around paintings by certain artists, such as Bruegel, Velázquez, or Vermeer, who are most inaccessible to the word.

Baxandall's historical explanation of Chardin's *A Lady Taking Tea* directs us away from Diderot's voluble evocations to an 18th-century "vulgar Lockean" account of perception. Rather surprisingly, we see Chardin not as the truthful painter of things-as-they-are, as Diderot and many others after him have, but as a painter concerned with certain ideas. We see him making a kind of painting that represents our fleeting perceptions as distinguished from the substance of things. A lady in a blue shawl, represented in profile and leaning slightly forward and away from the viewer, sits on a chair before a red-lacquered table on which she stirs a steaming cup of tea, a teapot prominent beside it.

Chardin, in Baxandall's felicitous phrase, can make a story out of the contents of a shopping bag. If the pattern of intention itself is the stuff of Picasso's narrative in his cubist works of 1906-12, Chardin's story is made up of perceptual experience: color, recession and advance, focus and indistinctness are his means here. But Baxandall ups the ante:

> So I shall say that we have here a sort of Lockean *Apollo and Daphne*, a re-enactment of bafflement by the elusiveness and sheer separateness of the woman—who is, I can by now say without colouring your perception too much, probably Chardin's first wife a few weeks before her death.

A suggestion like this tests the conceptual limits set by the book. Have we not passed from "explanation" to interpretation, and to an interpretation that is, to invoke one of Baxandall's critical criteria, not quite legitimate? Just when one feels the range allowed to visual interest is too narrow, one is surprised by a remark of this kind. But still one wonders, if art is not to be taken only self-referentially, what is the nature and range of meanings that accrue to pictures with such visual interest? How might these be put into words?

Baxandall seems suspicious of words deployed in that critical manner which we might call Diderotian. He builds this suspicion into the style and the format of his inferential criticism. His style is candid, subtle, and unafraid of difficulties. In his conclusion he argues for the sociability of his kind of criticism. By this he means that, somewhat on the model of a scientific investigation, its findings are open to public testing and discussion. This is a far cry from the sociability of Diderot's *Salons*, which take the form of rambling conversations sent as letters to a few well-placed friends abroad.

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Patterns of Intention, written to be delivered as public lectures, reads rather like a philosophical essay. Its language sets a standard and invites dialogue on its terms. Its design is old-fashioned—text in front, illustrations at the back. It is a book that encourages both reading and looking. The original texts that are reproduced on some pages are fit for both. But the pleasures available in picture and text are also distinguished. In the photographs printed here, Baker's bridge becomes an object of "intentional visual interest." A tiny train puffing smoke through the girders looks like the steam rising from the lady's teacup by Chardin, or like the impacted forms and merging hues of a cubist Picasso. A grand but disorienting view looking south and inward from the north pier shows the bridge mimicking in pictured steel the fearful sexuality of Picasso's *Demoiselles*, which is juxtaposed to it on the adjoining page.

Visual pleasure does well on its own, then, without any words. How are we to take this? Is it meant to shake our trust in criticism, and in its necessary traffic in words? The questions, and even the ambiguities, that remain—about explanation and interpretation, history and criticism, picture and text—are part of the intention, and make for much of the instruction and the pleasure of this fine book.

SVETLANA ALPERS

Svetlana Alpers is professor of the history of art at the University of California, Berkeley. She is the author of *The Art of Describing: Dutch Art in the Seventeenth Century* (University of Chicago Press) and an editor of *Representations*.

CORRECTING A CANON

F.D.R.
by Ted Morgan

(Simon & Schuster, 960 pp., $22.95)

To write a new biography of Franklin Roosevelt is an act of hardihood, since Roosevelt has reigned in the scholarly literature as America's paradigm president, and some notable talents have assessed him, more or less critically, in multi-volume studies—James MacGregor Burns, Frank Friedel, Arthur Schlesinger, and currently Kenneth Davis, whose two volumes have carried him only to the presidency. Out of such works a Roosevelt canon has evolved. It is a very firm canon indeed, for Roosevelt and his followers have shaped the climate of the political culture that legitimizes the image it has itself fashioned of FDR.

Ted Morgan, a freebooting biographer who has researched the lives of Somerset Maugham and young Winston Churchill, has dared to invade the sacred wood of the most fateful and illustrious American life of the century, and has made it fresh in the retelling. Forty-two years after FDR's death, he is a dim legend to several generations. For them Morgan has the virtues of a lively style, a vivid sense of the dramatic, and a certain brashness in reaching for the seamy and sometimes steamy details that lend humanity to this formidable figure without diminishing his scale. The result is the best all-purpose single-volume Roosevelt thus far.

Morgan departs from the body of assumptions accepted by most of Roosevelt's biographers in his portrait of FDR's character, not in his outline of his political development or his assessment of his place in history. Staying clear of the difficult debate over the psycho-history of presidential lives, he has used a shrewdly eclectic psychological approach to trace the development of FDR's character. He shows young Franklin both accepting and resisting his imperious mother's interventions into his life, but also taking over some of her imperiousness. Similarly Morgan's account of FDR's illness is a set piece of balanced psychological analysis. I should add that Morgan takes a very modern let-it-all-hang-out approach in describing the role of sexuality, in FDR's conduct both before and after the polio, and in the lives of his wife, daughter, sons, and even his aides. The account of William C. Bullitt's exposé of Sumner Welles's homosexual episode reads like a story out of the French Fourth Republic. No one can complain any more about self-censorship by biographers; that battle, at least, has been won.

It is in dealing with FDR's character that Morgan makes an original addition to the Roosevelt canon. Since every biographer must portray productive tension in his subject, Morgan finds it in the paradox of a great man who presented a strong and confident face to the world but had many less savory sides to his character.

Evidence of the manipulative and devious in FDR has long been available. Morgan picks up on the well-known episode of FDR laying fake claim to a "scoop" interview for the Harvard *Crimson* with President Charles W. Eliot, about his vote in the election of 1900. It wasn't until 1931 that he admitted it belonged to another *Crimson* reporter. Later he claimed to have orchestrated the passage of a critical 54-hour-a-week bill for women and children when he was in fact not on the scene at all. And Morgan devotes a separate chapter, written with investigative ardor, to FDR's dubious candor and to tortured evidence about his somewhat inglorious role as Navy administrator in the Newport homosexual scandal.

For the rest there is FDR's deceptive sleight-of-hand in dealing his political cards, and there are his trickster skills, his duplicities, his outright unwinking lies, his incapacity to involve himself deeply with other people (there is a hint that the love affair with Lucy Mercer was not his only dalliance at the time), his recoil from face-to-face showdowns, his flatteries and double-talk, his embittered vindictiveness when crossed, his manipulative use of people to serve his interests, and (both Raymond Moley and James Farley come to mind) his discarding of loyal and faithful advisers once they fell out of favor.

And yet all the warts and blemishes do not seem to affect FDR's stature in Morgan's eyes. His flawed notion of the biographical enterprise may be responsible. Morgan prefaces his book with an epigraph from Plutarch's *Lives*, saying that a biographer deals with "the lines and features of the face in which the character is seen," while "more weighty matters and great battles" are left to "others." This strikes me as a highly dubious division of function between biographer and historian. Biography is still

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the life-history, and history is the product of the interactions of a cluster of life-histories entangled in a political culture. Of course Morgan cannot be faulted for failing to do what he did not intend to do. Still, a contemporary biographer of Roosevelt has the advantage of seeing the consequences of the Roosevelt era more clearly than earlier biographers. Morgan has not exploited his advantage.

MORGAN IS good at describing FDR's many personal problems and political obstacles, and the skills with which he met them; and he understands that there was a link between FDR's temperament and his tactics. Yet I wish Morgan had more directly shown FDR's total embrace of the political vocation. For everything else in his life—love, family, health, staff, friends, allies—was subordinate and instrumental to the end of securing the presidency. Both as governor and campaigner for the presidential nomination, he became a superb calculator of political pleasures and pains, a supreme machine for equilibrating the costs and benefits of every public decision.

It is the essence of the Roosevelt canon that the triumph of the New Deal was history's payoff for FDR's sufferings and strivings, and the payoff to the nation for ending the Hoover years. In fact, however, it was an interplay between creativity and hubris, between striving and overreach. The New Deal wasn't much as an economic construction; it was mostly a complex of psychological moves dazzling in their effect. But FDR was a good psychologist, and—with the help of his major and minor Brain Trusters—a good master-builder of social welfare institutions that were overdue, and have lasted a half century into our own day.

The overreach and the hubris came with the second term. The New Deals were pretty much over by 1937, when the employment and other indicators dropped. But flushed with his 46-state victory over Alf Landon, FDR turned all his energies toward fighting the public utility barons, purging his party of "reactionaries," and battling the Supreme Court. The biographer's temptation to make FDR's friends and enemies his own is a dangerous one. Morgan has a fine section on the Supreme Court "packing" plan, summing it up as the worst blunder of FDR's peacetime presidency, and "all so unnecessary." Yet we almost forget not only that the policy was abrasive, making FDR enemies he couldn't really afford, but more importantly that it distracted his attention from the central world event of the time. By 1937 Hitler, the real enemy of both FDR and his enemies, was using all *his* energies to test the limits of his aggression.

According to the Roosevelt canon, of course, FDR was helpless in his foreign policy because of the strength of the isolationists, and Morgan seconds that view. But the recent evidence that FDR backed off abruptly from his "quarantine" speech at Chicago in 1937 suggests that his timing in his second term didn't call for that kind of pitched battle and siege. Until 1940 he had to follow Woodrow Wilson's 1916 "he kept us out of war" strategy. But Hitler was not the Kaiser; neither his blitzkrieg nor his ovens would wait. By the time Pearl Harbor rescued FDR from his dilemma, Europe was broken except for Britain. Russia had been invaded, and Hitler's internal "second war"—the war of extermination against the Jews—had been launched full-scale.

Again, according to the Roosevelt canon, FDR was the world's indispensable leader from the time of his fourth election in 1944, through his planning for a postwar world, right up to his death. I see a Roosevelt, rather, who had been battered by time and stress and misdiagnoses, whose creativity and mental faculties began to recede well before 1943. He should have passed his power on in 1944, but he had managed it so there was no one to pass it to.

Running in 1944 was a ghastly blunder for himself and the nation. His treatment of Churchill and the British as somehow part of a dread "colonialism," his failure to understand Hitler's deepest intent, his "unconditional surrender" dictum at Casablanca, his fantastic misassessment of Stalin and of the nature of Soviet power, his failure to direct his generals to meet that power as far East as possible, his enthusiasm about the later advance of the Soviet armies that was linked fatefully with Tehran and Yalta—with all this history will not deal lightly.

I must add to the list of Roosevelt's mistakes, although it belongs in a category by itself, what David Wyman has called the "abandonment" of the Jewish victims of Hitler's not-so-secret second war. As early as 1942, I was part of a failed effort of a little American band to rouse him from his lethargy toward that

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war. We failed. In the end he was pressured to save a few thousand refugees. But what counted was the fate of the millions who would never live to become refugees, many of whom could have been saved.

The reason given for the Allied refusal to bomb the concentration camps and their road and railroad approaches, which could have put the whole obscene industry out of business, is that it would have detracted from the war effort. But in truth it would have kept the war in Europe from being stripped of its meaning. The fact is that by that terrible time FDR was a shard of what he had been, with a loss of affect and of energy, and of his sense of reality. He was trapped in a kind of splendid solipsism, as complete as Wilson's. During the whole of the war, he had no Brain Trust operating in foreign policy, except for Harry Hopkins, and Hopkins was his eyes and ears, carrying out his will.

Thus Morgan's accomplished narrative leaves the official image of Roosevelt's greatness intact and all but unchallenged on some critical issues. His story includes little discussion of the alternatives that were available to FDR to limit the Soviet territorial gains, and almost none about the Holocaust and the American responsibility for rescue. There is less critical reckoning with FDR's place in history than there is about the Newport scandal.

And yet the evidence for a more balanced and less reverent reading of Roosevelt continues to grow; it is still around us, in the world that Truman and his successors inherited from Roosevelt, and in their painful copings with it. Someday a biographer may finally break through to it.

MAX LERNER

Max Lerner is the author of *America as a Civilization* (Simon & Schuster) and is currently at work on studies of the American presidents from Roosevelt through Reagan.

TRUTH BY THE LAKE

Camping Out
by Eleanor Clark

(Putnam's, 224 pp., $16.95)

Camping Out centers around a canoe trip taken by two women in the Vermont woods. They're old friends; that is, they knew each other a long time ago at Radcliffe, but even then their relationship was strained. Marilyn's prickly nature, her lesbianism, and her success at what Dennie considers "phony poetry" imposed distance between them. They haven't seen each other for years, except for one chance encounter at a mutual friend's when Dennie, otherwise sexually conventional (as far as we know anyway), was suddenly intensely attracted to Marilyn. She kept it to herself but is still somewhat disturbed by it. The two haven't met since.

Dennie has been living with her diplomat husband and her son in Italy. She has come back to the States for her mother's funeral. Marilyn, having read the obituary, shows up at the funeral and suggests Dennie visit her in Vermont—this leads to the camping trip. From the beginning, the trip seems perilous—Marilyn packs knives, an ax, and an anti-rape weapon made of a tampon with stout needles stuck into it. And we're given to know, before they set out, that something horrible will happen. There are hints of the violent death of Marilyn's dog, Corky, and of some other, sexual, violence aimed at Marilyn and Dennie. Eventually the source of this danger shows up, in the form of a charming, well-read, tin-flute-playing, but still undeniably sinister escaped convict named Fred.

All of these intriguing details come out through a letter Dennie writes Marilyn after the camping trip is long over, so we know from the outset that both women survive. Suspense on its simplest level is not what Clark is after; by using the letter she shifts her emphasis from the story itself to what Dennie, looking back, makes of it. The events of the trip, horrifying though they are, are less important than what Dennie reveals about herself in them.

To hear her tell it, there's truth to the belief that at moments of crisis your life flashes before your eyes. The camping trip as she recalls it was a series of such moments, each of which trigger long-submerged yet minutely detailed memories of her childhood. For the reader, the experience is initially disconcerting. We lurch from a violent Vermont deluge to tableaux from an Italian fortress, the Rocca, where Dennie spent several years as a child. The Signorina, the little old lady miser who owned the place, naturally comes to mind, but so do such particulars as "three small amateur paintings on the wall, framed: of trees, cows by a barn, a bowl of fruit," and a hand-embroidered set of priestly vestments all done in bees and roses.

It may seem unlikely that, lying face down and half-frozen at lake's edge, Dennie would call up her memories with such coherence and intricacy. And we're thrown too, at first, by the tendency of the narrative to veer off almost imperceptibly, from the first person of Dennie's letter to some unspecified third. Is Marilyn's voice taking over, we wonder, and how does she know what was in Dennie's mind? Such literal-minded hesitations clue us in to what Clark is up to, and they focus attention on who is telling the story, and how, and what tricks of mind the telling reveals.

Clark leads us to feel that there's no clear demarcation in the human mind between past and present, between what's happened and what effect it's had, between what's happened and what we feel must, almost in consequence, happen. Dennie is stirred, for example, by the New England mountains and trees to recall childhood camping trips with her grandfather and her twin brother, Rick. She remembers them singing "The Road to Mandalay" by the campfire, and realizes that Rick, who's off saving boat people, must now be somewhere in the vicinity of Mandalay. When she thinks of him, though, some lurking guilt surfaces, some disturbing occurrence that came between those camping trips and this one; she pushes him from her mind. But later, by a similar campfire, she finds herself drawn to the sinister stranger, who does after all smell comfortingly like Rick—and

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the longing and unease that color her relationship with her brother are overlaid on her current mixed feelings. "Memory. And desire," she murmurs to herself at one point. The two, in her mind and Clark's novel, are inextricably linked.

Dennie's stories, told with numerous compulsively honest qualifiers and then-agains, form a picture of a mind attempting to weave together the scattered facts of its existence. And calling up the past, Clark shows us, both illuminates and affects the present. The way the two women approach memory is neatly revelatory of their characters and of the multilayered tension between them.

Still puzzled by her coldness at yesterday's funeral, Dennie pours out, at Marilyn's request, what she can recall of her mother and her childhood at the Rocca. Her listener is eager to record this vivid remembrance and apply her critical chic literary theories to it. Triangles, verbal constructs, and shades of gray ("the only significant color") are all that matter to Marilyn's mind, and Dennie tries to be accommodating. "The well-trained diplomat's wife," she

> kept her intimate and compulsive memories to herself, fed out what she knew was wanted in the way of geometry and female subjugation, with stress on the piquant and the ludicrous. Only toward the end, in a fit of perversity, outrageously, she had burst out in another vein, to suit herself. . . . Faces, voices, moments, for the cassette and its owner to choke on. Dennie's combativeness at this stage, surprising to herself if not to her audience, had been across the board, and they both knew it, although it was only after the tableau of the mother mourning a dead daughter that Marilyn turned off the tape and uttered the monosyllable "Shit."

Part of what makes the pull of memory so strong for Dennie is her longing for the remembered sense of family so prevalent at the Rocca. In defiance of Marilyn, and to fulfill her own needs, she chooses to emphasize, by implication, "the man-woman-child triangle that had no place in the listener's mathematics." Marilyn, as a woman and as a would-be critically correct storyteller, has no use for Dennie's brand of memorializing.

The Rocca story leads Dennie and Marilyn to "a point of definite hostility," and when danger, human and meteorological, begins to show itself, Dennie curses herself for her perversity. Solidarity between the two women, whether emotional or philosophical, might have altered what happens.

For we mustn't forget Fred, who in offering a "choice of scenarios" for his appearance himself contributes to Clark's commentary on storytelling. There's nothing abstract about Fred, though; his presence is too vivid. Stepping ashore at their campsite all courtesy and charm, he instantly wins Marilyn by reciting her poetry to her, flashes his glinting smile, steals their canoe paddle, and departs across the lake. From then on he comes and goes, dazzles the women with his electric energy, and then drops dangerous hints of impending violence. Before long, they're more than hints. One minute he's suggesting they venture off to Italy together, the next he's shouting his plans to eradicate the world. " 'Erase! Get it? Wipe out; eliminate!' With the edge of one of his shoes he made a mark in the dirt and as quickly ground it away. 'Like that. Every living thing.' "

The astounding quickness of his transformations make them doubly frightening—to us at any rate. In retrospect Dennie wonders how much she and Marilyn played along, or at least deliberately ignored signs of what was to come. The accuracy with which these reversals and evasions of mind are revealed is stunning. Lucidly and with a certain wry toughness, Clark details all the nuances of the women's complicated motivations, the intricate ways in which memory—and desire—make a horrifying turn of events seem inevitable.

KATHLEEN KEARNS

Kathleen Kearns is a writer living in Ocracoke, North Carolina.

HIPPOCRATES UNBOUND

To Do No Harm: DES and the Dilemmas of Modern Medicine by Roberta J. Apfel, M.D., M.P.H., and Susan M. Fisher, M.D.

(Yale University Press, 204 pp., $20, $8.95 paper)

When a woman became pregnant in the decades between 1940 and 1970, chances are she might easily have been prescribed what was then considered one of the "wonders of modern medicine": diethylstilbesterol (DES), a synthetic form of the hormone estrogen. Although at first used only to prevent miscarriages among women with previous histories of such problems, DES was soon widely prescribed even for women with no history of reproductive difficulties.

In 1971, the first of a series of chilling observations about DES was made. Clear-cell adenocarcinoma, an exceedingly rare form of vaginal cancer, began to appear with unexpected frequency in young women who had been exposed to DES during their fetal development. Soon after that, a variety of structural abnormalities of the genital-urinary system were noted in both the male and female offspring of DES-treated pregnancies. And now behavioral studies show that DES daughters may experience decreased sexual desire and pleasure, and that there is an increased rate of bisexuality and homosexuality in DES offspring. No one knows what further repercussions may surface among the several million women and men in the United States who were exposed to DES during their fetal development.

To Do No Harm tells the story of how a promising innovation in science and technology became a tragedy of great magnitude. Drs. Apfel and Fisher, both psychiatric clinician-researchers, show that while errors were made, they were made not by nefarious villains acting within impossibly unwieldy bureaucratic systems, but by individuals whose behavior was shaped by altruism as well as self-interest: scientists seeking knowledge; regulatory agency managers shaping policy; physicians seeking ever more powerful pharmacologic armaments with which to conquer disease; patients pressuring doctors for treatments.

DES was the first important medicinal substance to be evaluated under the 1938

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Food, Drug, and Cosmetic Act. The highest standards then available were applied to the evaluation of DES. The entire FDA medical staff participated in the extensive review of the DES data, and physicians, researchers, and scientists from academia were interviewed. All but four of 54 academics indicated the drug was "safe." (Whether the drug was effective was not an issue; only in 1962 was proof of effectiveness added to the governmental drug regulation guidelines.) The four scientists who resisted, the authors note, were seen as standing in the way of medical progress. Partly as a concession to them, DES was initially approved only for special and limited conditions—inflammation, infection, postmenopausal symptoms, suppression of lactation—none of which had anything to do with pregnancy, threatened or otherwise. Once FDA approval was granted, however, the drug could be used by local medical practitioners without supervision for any reason they deemed suitable. And that is precisely what happened—despite a 1939 editorial in the *Journal of the American Medical Association* warning against the indiscriminate use of estrogens in general and DES in particular.

In addition to being administered to pregnant women with severe medical illness or a history of repeated miscarriages, the drug was soon given to normal women whose pregnancies were not in the least threatened. "DES," the authors tell us, "became a routine part of the quality care that private practitioners gave their predominantly middle-class patients, including their own wives." It was even included in vitamin tablets for pregnant women. Only much later, after millions of women had taken the drug during pregnancy, did studies using properly rigorous scientific methodology show DES to be ineffective in preventing miscarriages. Even worse, over a million pregnant women received DES *after* it was shown to be ineffective.

Why was medical practice so slow in responding to this research? After all, the medication was dispensed not by the FDA, medical scientists, or drug salesmen, but by family practitioners and obstetricians. Apfel and Fisher show that the reciprocal and mainly unconscious dynamics of the physician-patient relationship were crucial in fostering the widespread use of DES. Patients often need to see their physicians as omnipotent and their physicians' tools as talismans against disaster, especially at times of medical catastrophe or emotional significance. Physicians, who often feel the need to be more than helpful, may be unable to accept therapeutic limitations or tolerate uncertainty and all too willing to assume the mantle of power in their battle with the darker forces of nature. *To Do No Harm* is psycho-history in the very best sense of the word. In addition to painstaking attention to detail and penetrating scholarly analysis, it is filled with the humane sensitivity of the good clinician. In fine, clear prose, the book portrays the emotional and physical impact of DES therapy on DES children and on their relationships with their guilt-ridden mothers.

DES has, of course, been prohibited for use in pregnancy since 1971, and the research methodology used in the original DES studies would not be acceptable today in obtaining approval for drug use. The thalidomide tragedy has raised the level of suspicion about the effect of drugs on the developing fetus. Asbestosis has heightened concern about the delayed consequences of exposure to toxic environmental agents. Yet the system of peer review relied on by editors of medical journals to ensure the accuracy of the research findings they disseminate to scientists and practitioners is far from foolproof, as several recent cases have demonstrated. And as pressure from consumers for ever-increasing expansions of health and life continues, will the public's demand for the next new medical miracle supersede concern that appropriate safeguards be met? Despite the Hippocratic dictum "to do no harm," caution Apfel and Fisher, the terrible history of the DES tragedy may even now be repeating itself.

MONICA STARKMAN

Monica Starkman is associate professor of psychiatry at the University of Michigan Medical School and is completing a novel.

CORRESPONDENCE, *from page 6*

accomplice of the ruling classes in psychological subjugation of the populace. Shariati was unmistaken in preaching that only through Islam we could build something decent in Iran. It is not his fault some clerics have no consideration for life and liberty. Are we to blame Christ the liberator for the sins of the inquisitors?

FARID MARJAI
Toronto, Canada

CURBING LUST

To the editors:

James K. Glassman is quite right to criticize the federal deposit insurance system, which, as now fashioned, provides an incentive for bankers to make excessively risky loans and removes the incentive for depositors to find prudent banks in which to place their money ("Lust to Lend," June 9).

However, there is a remedy available: the premiums paid by banks for their insurance coverage could be raised or lowered as their loan portfolios become more or less risky. Banks could still write risky loans (all loans have some risk, of course), but they would no longer enjoy an artificial incentive to do so. Safe banks would no longer spend their money systematically bailing out their more adventurist counterparts.

The Justice Department has recently recommended just such a policy to the FDIC and the Federal Reserve Board.

FREDERICK R. WARREN-BOULTON
Deputy Assistant Attorney General

RUSSELL PITTMAN
Assistant Chief,
Economic Regulatory Section
Antitrust Division
U.S. Department of Justice
Washington, D.C.

THE MOVIEGOER

To the editors:

I really enjoy reading Stanley Kauffmann's reviews of films. I have to admit it's the first thing I turn to. Actually the very first thing is the "Films Worth Seeing" insert so that I can finally figure out if Stanley thinks the film I read the review on the week or so before is really worth seeing!

CAERL PAYNE
The Dalles, Oregon

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Turbulent Priests

IF I REMEMBER MY medieval history correctly, politically meddlesome clerics were often "walled in" by the authorities as a way of keeping them at prayer and out of mischief. If this procedure had lasted, we might have been deprived of Martin Luther King. On the other hand, we also might have been spared the Reverends William Sloane Coffin and Jesse Jackson—and, most recently, Pat Robertson. My latest candidate for "walling in" is the Roman Catholic archbishop of New York, John Cardinal O'Connor. O'Connor just returned from a pilgrimage to Lebanon, where he celebrated a mass with President Amin Gemayel playing altar boy. But O'Connor did not go all the way to Beirut just to give the thuggish yet powerless head of the Lebanese state a photo opportunity. Having failed to achieve his one concrete aim—freeing the five Americans held captive by Moslem ultras—the prelate compensated by uttering the kind of vapid incantation that among divines is mistaken for marching orders: "Conciliation between Moslems and Christians," he intoned, "is the only safe way for Lebanon." And isn't conciliation among Moslems also required? And, by the way, also inconceivable? Later, in Rome, O'Connor called for a Palestinian homeland, everybody's bromide for Lebanon's ills. Now, I'm for a Palestinian homeland. Also a Kurdish homeland and a Basque homeland—every people should have a homeland. But it is hard to see how a Palestinian homeland is going to solve the problem of hundreds of thousands of refugees in the Lebanese camps, whose existence is "creating a monster," according to the cardinal. Does he think that West Bank and Gaza Palestinians are going to absorb all these people? And if they were forced to, just how peaceful would the new homeland be? Maybe the candidate for absorption is fragile and arid and resourceless Jordan, which some Israelis say is already the Palestinian homeland. Or perhaps the designee is Israel, but that would then be neither a Jewish homeland nor a Palestinian one. All of these formulas guarantee only more killing, intra-Arab killing mostly. The problem of the homeless Palestinians is nearly beyond solving, even if there were a truncated Palestinian state somewhere. That is so because the Arab governments (and later the PLO) did not want the problem settled the way most such problems of displacement have been settled in the post-war world—by resettlement. They wanted as many refugees as possible to remain in the camps so that the resentments would fester, the desire for revenge intensify. This became their policy. It is hard to undo. O'Connor's vague pronunciamento is irresponsible because he is suggesting that there is some hope where there isn't. That is pious mischief.

CHESTER BOWLES WAS NOT a man of the Age of Reagan. He did not serve the public in order then to serve himself. The sequence was, in fact, reversed. With his friend William Benton, he founded a pioneering advertising firm that bore both their names and made both a pile of money. But once Bowles sold out his interests, he never looked back. Bowles's first government job was helping to run FDR's wartime price control program. For the next 20 years, he devoted himself to the liberal agenda in foreign and domestic affairs. An intensely practical man, Bowles as governor of Connecticut made the state a laboratory of social innovation that was emulated elsewhere. Some will say he was a man of illusions. And maybe he was. We have from Ken Galbraith's memoirs, *A Life in Our Times*, a touching evocation of Bowles's troubles with the Kennedy administration hard-asses. "Chester Bowles had been removed as Undersecretary of State, ostensibly because of his unduly loquacious style, in fact because he was not in harmony with the brisk, sanguinary anti-Communist faith of Dean Rusk. Bowles had persuaded himself that beneath the evil of Communist design and supporting it were social discontents and political abuses that drove men and women to extreme solutions. . . . The stern foreign policy men of the time had responded with amused contempt but also with a firm determination to bring an end to such nonsense." I remember thinking the day I read about his firing how, beneath my lapel, which is to say underneath my Stevenson button, at the 1960 Democratic convention in Los Angeles I had a Bowles for President button. We were a small cohort, and we were not surprised by the disdain with which "the best and the brightest" treated Bowles. True, they did send him to India as ambassador, where he'd already served under Truman. I had dinner with him and his wife in New Delhi the night of the Tonkin Gulf incident. His then-aide, now Governor Dick Celeste of Ohio, brought him the cable traffic. He betrayed no concrete secrets to his young guest. But he made clear that he feared a long and futile war, from which the country has not yet recovered. He died last month at 85, a life lived in a more confident time.

MY LAST LETTER FROM Theodore H. White came in November 1984, saying he'd be out of the country for TNR's 70th birthday party. "Keep me on the invitation list, though, for the 100th anniversary party. I promise to make that one." He wasn't going to. He died in May. Our lives touched at four points. He was an Overseer at Harvard when I was a very junior faculty member. We had friends in common, spanning the generations. We shared a passion for Zion that he, unlike many other upwardly mobile and professionally ascendant Jews of his generation, never suppressed. And, of course, he was interested in THE NEW REPUBLIC. In one of his letters to us, he called himself an "alumnus" of the magazine, which he was. It gave him license for, I ruefully admit, the usually justified reproach. Still, most of what he wrote to us was in praise, timely praise, because it came when (he knew) we were being pilloried for some heresy or other. But White was never afraid of being what others might call a "backslider." That's exactly what he himself had been when he'd fallen afoul of Henry Luce's pious and destructive illusions about Chiang and the Kuomintang. His troubles at *Time* came from the fact that he was more of a historian than a journalist. He had the historian's long, analytic, and comparative view. He had that, too, in his writings about America and the presidential elections process. This is why his books have been widely but never successfully imitated. Teddy was a learned man, a Hebraist, a Sinologist, an Americanist, a master of the sources whose enviable prose style was never needed or designed to cover up ignorance—the purpose fancy prose often serves in journalism today.

M.P.

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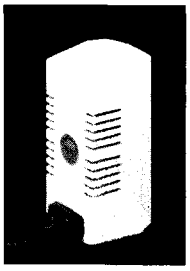

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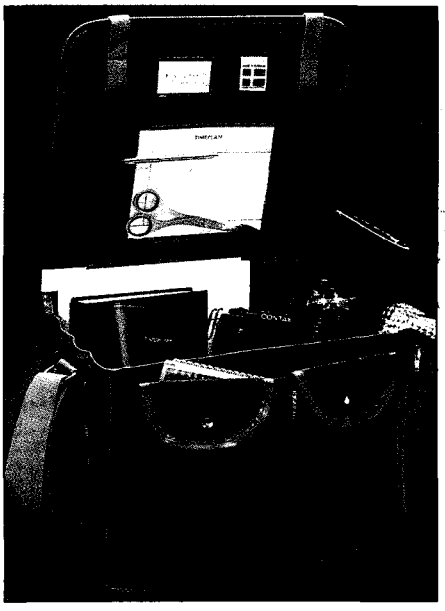

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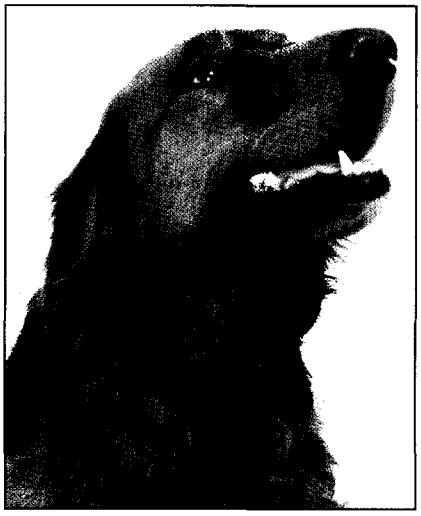

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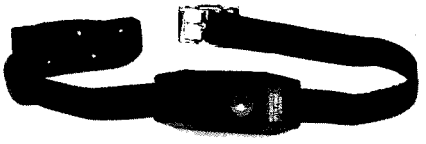

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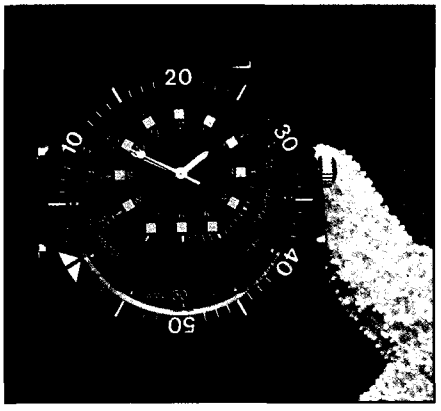

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